SPEECH

OF

SENATOR DOUGLAS, OF ILLINOIS,

DELIVERED

IN THE SENATE OF THE UNITED STATES, MAY 15 & 16, 1860.

The Senate having under consideration the resolutions submitted by Mr. DAVIS on the 1st of March, relative to the relations of the States, and the rights of persons and property in the Territories, and the duty of protecting slave property in the Territories, when a necessity for so doing shall exist—Mr. DOUGLAS said:

Mr. PRESIDENT: I have no taste and very little respect for that species of discussion which consists in assaults on the personal or political position of any Senator. I have no desire to elevate myself by attempting to pull down others, nor to place any Senator in a false position before his constituency. I have no assault to make upon anybody; no impeachment of the record of any gentleman. I am willing that each Senator shall stand before the country and his own constituency on the record which he has made for himself. I do not complain of so much of the speech of the Senator from Mississippi (Mr. DAVIS) as arraigns my political position, for he seems to have deemed it necessary to draw a parallel between his opinions and my own, as we have been actors for many years in the same scenes, involving the same issue that is now presented, he taking the one side and I the other. In self defence it may be necessary for me also to refer to the position of that Senator at various periods—with a view of illustrating my own position—by way of contrast, as we always differed on an isolated point.

I shall not indulge to-day in the discussion of any abstract theories of government, much less in the discussion of the *legal* questions which have lately been attempted to be forced on the Democratic party as *political* issues. On a former occasion, when forced into a discussion by the Attorney General of the United States, the law officer of the Government, I did amuse myself in the discussion of certain legal propositions; not because they had anything to do with the political issues before the country, but because that law officer seemed to have no official duties to occupy his time, and I had the leisure to reply to him.

The principal points to which I shall direct my remarks to-day, and the sole cause of my making any speech, will be found in certain extracts from the speech of the Senator from Mississippi, a few days since. I have put three extracts upon paper together, and will send them to the Secretary's desk, that they may be read. They will constitute the chief text to which my remarks will be addressed.

The Secretary read the following extracts from Mr. DAVIS's speech of May 7:

"It is well known to those who have been associated with me in the two Houses of Congress that, from the commencement of the question, I have been the determined opponent of what is called squatter sovereignty. I never gave it countenance, and I am now least of all disposed to give it quarter. In 1845 it made its appearance for good purposes. It was ushered in by a great and good man. He brought it forward because of that distrust which he had in the capacity of the Government to bear the rude shock to which it was exposed. His conviction, no doubt, to some extent sharpened and directed his patriotism, and his apprehension led him to a conclusion to which, I doubt not, to-day he adheres as tenaciously as ever; but from which it was my fortune, good or ill, to dissent when his letter was read to me in manuscript; I being, together with some other persons, asked whether or not it should be sent. At the first blush, I believed it to be a fallacy—a fallacy fraught with mischief; that it escaped an issue which was upon us which it was our duty to meet; that it escaped it by a side path, which led to danger. I thought it a fallacy which would surely be exploded. I doubted then, and still more for some time afterwards, when held to a dread responsibility for the position which I occupied—I doubted whether I should live to see that fallacy exploded. It has been. *Let Kansas speak—the first great field on which the trial was made. What was the consequence? The Federal Government withdrawing control, leaving the contending sections, excited to the highest point upon this question, each to send forth its army. Kansas became the battle field, and Kansas the cry which well nigh led to civil war. This was the first fruit.* More deadly than the fatal upas, its effect was not limited to the mere spot of ground on which the dew fell from its leaves, but it spread throughout the United States; it kindled all which had been collected for years of inflammable material. It was owing to the strength of our Government and the good sense of the quiet masses of the people that it did not wrap our country in one widespread conflagration.

What right had Congress then, or what right has it now, to abdicate any power conferred upon it as trustee of the States?" * * * * * * * * *

"In 1850, following the promulgation of this notion of squatter sovereignty, we had the idea of non-intervention introduced into the Senate of the United States, and it is strange to me how that idea has expanded. It seems to have been more malleable than gold, to have been hammered out to an extent that covers boundless regions undiscovered by those who proclaimed the doctrine. Non-intervention then meant, as the debates show, that Congress should neither prohibit nor establish slavery in the Territories. That I hold to now. Will any one suppose that Congress then meant by non-intervention that Congress should legislate in no regard in respect to property in slaves? Why, sir, the very acts which they passed at the time refute it. There is the fugitive slave law, and that abomination of law which assumed to confiscate the property of a citizen who should attempt to bring it into this District with intent to remove it to sell it at some other time to some other place. Congress acted then upon the subject, acted beyond the limit of its authority as I believed, confidently believed; and if ever that act comes before the Supreme Court, I feel satisfied that they will

declare it null and void." * * * * * *

"By what species of legerdemain this doctrine of non-intervention has come to extend to a paralysis of the Government on the whole subject to exclude the Congress from any kind of legislation whatever, I am at a loss to conceive. Certain it is, it was not the theory of that period, and it was not contended for in all the controversies we had then. I had no faith in it then; I considered it a sham; I considered that the duty of Congress ought to be performed; that the issue was before us, and ought to be met, the sooner the better; that truth would prevail if presented to the people; borne down to-day, it would rise up to-morrow; and I stood then on the same general plea which I am making now. The Senator from Illinois (Mr. DOUGLAS) and myself differed at that time, as I presume we do now. We differed radically then. He opposed every proposition which I made; voting against a proposition to give power to a Territorial Legislature to protect slave property which should be taken there; voting against a proposition to remove the obstruction of the Mexican laws; voting for a proposition to exclude the conclusion that slavery might be taken there; voting for the proposition expressly to prohibit its introduction; voting for the proposition to keep in force the laws of Mexico which prohibited it. Some of these votes, it is but just to him I should say, I think he gave perforce of his instructions; but others of them, I think it is equally fair to assert, were outside of the limits of any instructions under which he acted.

"In 1854, advancing in this same general line of thought, the Congress, in enacting territorial bills, left out a provision which had always before entered them, requiring the Legislature of the Territory to submit its laws to the Congress of the United States. It was sometimes assumed that this was the recognition of the power of the Territorial Legislature to exercise plenary legislation, as might that of a State. It will be remembered that, when our present form of Government was instituted, there were those who believed the Federal Government should have the power of revision over the laws of a State. It was long and ably contended for in the convention which formed the Constitution; and one of the compromises which was made was, escaping from that, to lodge the power in the Supreme Court to decide all questions of constitutional law.

"But did this omission of the obligation to send here the laws of the Territories work this grant of power to the Territorial Legislature? Certainly not; and that it did not, is evinced by the fact that, at a subsequent period, the organic act was revised, because the legislation of the Territory of Kansas was offensive to the Congress of the United States. Congress could not abdicate its authority; it could not abandon its trust; and when it omitted the requirement that the laws should be sent back, it created a casus which required it to act without the official records being laid before it, as they would have been if the obligation had existed. That was all the difference."

Mr. DOUGLAS. Mr. President——

Mr. DAVIS. With the permission of the Senator from Illinois, I wish to say, that if he had submitted to me those extracts as the text upon which he was going to speak, I should have made some verbal corrections, which would have more clearly expressed my opinion. However, as he has joined issue with me upon the report as it stands, let it be; but, with his permission, I wish to say a word in relation to a point which will not at all affect his discourse, but which bears upon another. It is with regard to a gentleman referred to there as a good and great man—and I cordially believe him both; the history of the times has enabled every one to know that I referred to Mr. Cass. I wish to say that an omission at the close of a sentence, after the word 'sent," may leave the inference that the letter was submitted to know whether it was to be sent to the person to whom it was addressed. It would be an error if any one supposed so. It was read to certain gentlemen to ascertain, if, in their view, it should be sent out as an expression of our opinions, as an exposition of the party creed, or the opinions of the party at that time. And so, in relation to the adherence of that good and great man to the opinion he then expressed, it implies, what I believe, that he adheres to that opinion as an abstract opinion still; but I should do great injustice to him if I left any one to suppose that I thought that he, in defiance of the decision of the Supreme Court, still adhered to that opinion, and had not yielded his entire and implicit acquiescence in the decision which the court has given upon the point.

Mr. DOUGLAS. I have yielded to the Senator from Mississippi to make this explanation, and I am gratified that he has had an opportunity to make it. I did not submit these extracts to him, for I took it for granted that he was correctly reported in the Globe, which I found on our tables. I heard no intimation from him that he had been misreported.

Mr. DAVIS. I do not say so. I never revise the manuscript of the reporters.

Mr. DOUGLAS. I only desire now to say to the Senator that, while I yielded to this explanation, I shall be obliged to him and to all others if they will allow me to go through with my remarks without interruption, (as I did in his case,) for the reason that I have a great deal of ground to travel over to-day in this debate, which will exhaust my strength, and, I fear, your patience; and he will have an opportunity of replying to me when I shall be through. I intend to treat him fairly, kindly, and courteously, in all that I have to say, as I doubt not it ever has been his intention to treat me in debate.

With this explanation, I shall proceed to remark, that the facts stated in the copious extracts from the Senator's speech, which have been read, conclusively show that the doctrine of squatter sovereignty, or popular sovereignty, or non-intervention, as the Senator has indifferently styled it in different parts of his speech, did not originate with me, in its application to the Territories of the United States; that it was distinctly proclaimed by General Cass in what is known as his Nicholson letter; that the issue was then distinctly presented to the country in the contest of 1848; that General Cass became the nominee of the Democratic party with a full knowledge of his opinions upon the question of non-intervention; that he was supported by the party on that issue; that the same doctrine of non-intervention was incorporated into the compromise measures of 1850, in opposition to the views and efforts of the Senator from Mississippi, and in harmony with the views and efforts of myself; that it was reaffirmed by the Democratic party in the Baltimore convention of 1852; that General Pierce was elected President of the United States upon this same doctrine of non-intervention; that it was again affirmed by the Congress of the United States, in the Kansas-Nebraska bill of 1854; and that it had its first trial, and yielded its first fruits, upon the plains of Kansas in 1855 and 1856.

These facts are distinctly and positively affirmed by the Senator from Mississippi. These facts conclusively disprove and refute the charges so often made in the Senate Chamber within the last year, so erroneously and so unjustly made against

me, that I have changed my opinions in regard to this question since 1856. The Senator from Mississippi has done me a service: he has searched the records with a view to my condemnation, and the result of his researches is to produce the most conclusive and incontestible evidence that this charge of having changed my opinions on this question, and which was made the pretext for my removal from the Committee on Territories, was not true. He tells you frankly, what the world knew before, that he had always opposed this doctrine of non-intervention; that he and I always differed upon that point. He always regarded it as a fallacy; I as a sound principle. He claims that, after it has yielded its blighting effects upon the plains of Kansas, the Supreme Court has come to the rescue, and that he now is triumphantly sustained in his opposition to this doctrine in 1848, 1850 and 1851. Sir, whether we have been sustained and our consistency vindicated is not so material as to find out which is right in the point at issue, then and now, between the Senator from Mississippi and myself.

I propose, in the first place, to invite the attention of the Senate to the fact, that the doctrine of non-intervention by Congress with slavery in the Territories was brought distinctly before the American people, and especially before the Democratic party, in 1847, with a view to its decision by the convention of the party that was to assemble at Baltimore in 1848. The Senator has referred to the letter of General Cass, known as the Nicholson letter, which bears date the 24th of December, 1847. He tells the Senate, (what most of us knew personally and privately who were here at that day,) that that letter, in manuscript, was passed around among southern and northwestern Democrats, to receive their sanction before its publication. The letter was prepared, and in private circulation, for days and weeks before the date which it now bears in its publication. The Senator from Mississippi informs us—and unquestionably with entire accuracy of recollection—that he, at the time, dissented from the doctrine of non-intervention, as stated in the Nicholson letter. Other southern Senators, now opposed to me—at any rate, other leading distinguished politicians, I will not speak of Senators—would not be able to say that, when it was submitted to them for their approval or disapproval, they condemned it as frankly as the Senator from Mississippi did. During this period, while this letter was being privately circulated, to see how far it would receive the sanction of the representative men of the Democratic party, the especial friend, the right bower of General Cass in that great contest—Mr. Daniel S. Dickinson, of New York—presented to the Senate two resolutions embodying the same doctrine. I will ask my friend from Ohio to read those two resolutions.

Mr. PUGH read, as follows:

"*Resolved*, That true policy requires the Government of the United States to strengthen its political relations upon this continent by the annexation of such contiguous territory as may conduce to that end and can be justly obtained, and that, neither in such acquisition nor in the territorial organization thereof, can any conditions be constitutionally imposed, or institutions be provided for or established, inconsistent with the rights of the people thereof to form a free sovereign State, with the powers and privileges of the original members of the Confederacy.

"*Resolved*, That in organizing a territorial government for territory belonging to the United States, the principles of self-government, upon which our federative system rests, will be best promoted, the true spirit and meaning of the Constitution be observed, and the Confederacy strengthened, by leaving all questions concerning the domestic policy therein to the Legislature chosen by the people thereof."—*Congressional Globe*, vol. 18, p. 21.

Mr. DOUGLAS. It will be observed that these resolutions of Mr. Dickinson, which were presented to the Senate on the 14th of December, 1847, assert distinctly the very doctrine which the Senator from Mississippi then denounced and now denounces, and which I then and ever since affirmed, and now affirm. I am not aware that Mr. Dickinson and General Cass has ever modified their views, much less disclaimed the doctrine of these resolutions and of the Nicholson letter. Yet my record on this question is held up to the Senate and to the country as if I stood alone in the Democratic party—a heretic then, a heretic now—and was therefore not entitled to fellowship in the regular Democratic organization. I am aware, sir, that some of the people and some of the States of this Union now hold different doctrines from those they formerly held upon this subject of non-intervention—or squatter sovereignty, as the Senator is pleased to call it, for he uses them as convertible and synonymous terms—non-intervention being the shibboleth of the party, and popular sovereignty, or squatter sovereignty, an incident or result only, but not the test, of political orthodoxy.

I will call attention upon this point to a resolution adopted by the Legislature of Florida, passed in the Senate of that State on the 28th of December, 1847, and in the House of Representatives on the 29th of December, 1847, and approved by the Governor on the 30th of December of the same year. I find these resolutions in the code of laws of Florida published by authority of the Legislature of that State. I am aware that Florida subsequently passed resolutions asserting doctrines inconsistent with these; but I cite these resolutions as evidence that the doctrine of non-intervention, for which I am now arraigned, was not deemed to be a political heresy at that day. It may not be improper here to remark that, during this session of Congress, I received a letter from a State Senator in Florida inclosing resolutions which he had introduced for the repeal of those resolutions, and denouncing the resolutions, which I will read, as being unsound, revolutionary, unconstitutional, dangerous to the rights of the South, and denouncing me by name as the great author of all this mischief that was to strike down southern rights. I will ask my friend from Ohio to read the second and third resolutions, which bear particularly on this point—for the first only relates to the Wilmot proviso—in order to show what the Legislature of Florida thought and said in 1847 upon this subject.

Mr. PUGH read, as follows:

"SEC. 2. *Be it further resolved*, That, in the opinion of this General Assembly, a just and correct interpretation of the Constitution of the United States rests in the *territorial*, as well as the *State Legislature's exclusive jurisdiction* over the persons of individuals within their respective limits; and that it would be arbitrary, unjust, and a usur-

pation of power on the part of Congress, to annex conditions to the admission of a State into the Union, or the annexing a Territory thereto, involving the right of jurisdiction in Congress over this subject, which exclusively belongs to the Territory *itself before* its admission into the Union, and to the State afterwards.

"SEC. 3. *Be it further resolved*, That it would be an arbitrary usurpation of power on the part of Congress to exclude slavery from any such territory as may hereafter be acquired by the United States, either by way of indemnity, by conquest, or by purchase; that the people of the Territory alone have the right to determine upon this subject; and it is for them, while they remain a Territory, and for the State, when they shall ask to be admitted as a State, to say whether the institution of slavery shall exist within the limits of such Territory or State; they having, by a just interpretation of the Constitution, exclusive jurisdiction over the subject-matter within their limits."—*Laws of the State of Florida*, 1845 to 1849, page 83.

Mr. DOUGLAS. It will be observed that in these resolutions the State of Florida declared that, by a correct construction of the Constitution of the United States, a Territorial Legislature, while in a territorial condition, had the exclusive right to determine for itself whether slavery should or should not exist within the limits of such Territory. As I have already remarked, Florida subsequently changed her policy on that subject. If, however, she solemnly proclaimed that doctrine to the world, in the name of a sovereign State of this Union, telling the northern Democracy on what terms and conditions Florida would hold fellowship with them, and we accepted the doctrine, I should think she could forgive us for remaining faithful to her creed, if we can forgive her for abandoning it. I arraign no man; I much less arraign a sovereign State. She had the right to proclaim her opinions; and if subsequently she came to the conclusion that they were wrong, she ought to change them; but having proclaimed them, and then changed them, it seems to me a little indulgence, even "quarter," should be granted by Florida to those who stand by Florida's original position.

Florida was not the only southern State whose Democracy held these doctrines in 1847, prior to the nomination of General Cass for the Presidency. I find here some resolutions adopted by the Democratic State convention of Georgia, held at Milledgeville, in December, 1847. I have not the entire proceedings. I have seen these resolutions in several Georgia papers recently, with the statement of the gentleman who either reported them or concurred in their passage, and with a further statement that these resolutions were copied and adopted by several State conventions in other southern States at that period. On that newspaper authority, and that alone, I read these resolutions, so far as I find them published in the papers, bearing on this question. It is proper to state that in the proceedings of the convention it appears that certain gentlemen, eminent for ability, eminent for their devotion to southern rights, eminent for their position in the Democratic party, were present, and concurred in these proceedings. Among these I find F. H. Cone, R. A. L. Atkinson, Jesse Carter, W. S. Johnson, Robert Griffin, Thomas Hilliard, W. W. Wiggins, E. W. Chastain, W. J. Lawton, S. W. Colbert, and D. Phillips. I find, also, Hon. Mr. Jackson, member of Congress, and Hon. Lucius Q. C. Lamar, now a Representative in Congress from Mississippi, but then a citizen of Newton county, Georgia. I will ask my friend from Ohio to read these Georgia resolutions, which were good Democracy at that day, and were copied and adopted by several other southern States in their Democratic State conventions.

Mr. PUGH read, as follows:

"*Resolved*, That Congress possesses no power under the Constitution to legislate in any way or manner in relation to the institution of slavery. It is the constitutional right of every citizen to remove and settle with his property in any of the Territories of the United States.

"*Resolved*, That the people of the South do not ask of Congress to establish the institution of slavery in any of the Territories that may be acquired by the United States; *they simply require that the inhabitants of each Territory shall be left free to determine for themselves whether the institution of slavery shall or shall not form a part of their social system.*"

Mr. DOUGLAS. There again, sir, we find the doctrine of non-intervention distinctly defined by the Democratic State convention of Georgia. Two distinct propositions are affirmed; one is, that Congress has no constitutional power to legislate upon the subject of slavery in the Territories. That, I should think, was pretty distinct non-intervention. You cannot legislate against it; you cannot legislate for it; you cannot touch the subject at all in the Territories. Now, sir, it may be, and unquestionably is, true that some of the eminent men who participated in that State convention of Georgia have since changed their opinions upon this subject, and now believe just as conscientiously that it is both within the power and the duty of Congress to legislate for the protection of slavery in the Territories, as they then believed it was unconstitutional for Congress to do so. All I have to say of those eminent gentlemen, for whose talents I have great respect, is, that if I can forgive them for having abandoned the very doctrine that they invited us of the North to rally in support of, I think they may pardon us for remaining faithful to that doctrine which they and we agreed to stand by.

In pursuing this subject, I am afraid that I shall become tedious to the Senate; but still I feel it my duty to present full evidence upon this point, showing that the Democratic party, from 1848 to this day, have stood pledged, as a cardinal article in their creed, to the doctrine of non-intervention; and for that purpose I shall be compelled to have various extracts, and some long ones, read, and perhaps to be somewhat tedious in the exposition of the subject.

I have already shown on high authority—southern authority—that when the Baltimore convention assembled in May, 1848, to nominate a Democratic candidate for the Presidency, and to lay down a platform for the party, the attention of the country, the especial attention of the Democratic party of the southern States as well as of the northern States, had been particularly called to this doctrine of non-intervention by Congress with slavery in the Territories; and hence the nomination of General Cass, with his opinions as expressed in the Nicholson letter, was not the result of accident or inadvertence; but he was chosen because his sentiments were the sentiments of the vast majority of the Democratic

party, North and South. I have looked into the proceedings of the convention at Baltimore in 1848, when General Cass was nominated, and made an abstract of the votes. I find that, in the slaveholding States, General Cass received, on the first ballot for the nomination, 66 votes; Mr. Buchanan, 19 votes; Mr. Woodbury, 15; Mr. Calhoun, 9; General Worth, 6; Mr. Dallas, 3. The following are the southern States that voted for General Cass on the first ballot: Delaware, 3 votes; Maryland, 6 votes; Virginia, 17 votes; Mississippi, 6 votes; Louisiana, 6 votes; Texas, 4 votes; Arkansas, 3 votes; Tennessee, 7 votes; Kentucky, 7 votes; Missouri, 7 votes. These States did not then think that non-intervention—or squatter sovereignty, as it is now called in derision—was such a fatal heresy as to furnish sufficient cause for disrupting the Democratic party, much less for dissolving the American Union. They voted for General Cass with a knowledge of his opinions on this question; and he was their first choice. Old Virginia did not take him then as a choice of evils. She had the opportunity of voting for a southern man, illustrious for his talents, public services, and devotion to southern rights. She had the opportunity of voting at that time for Mr. Calhoun, of South Carolina, on his platform. Old Virginia then believed that intervention on the subject of slavery meant disunion. Hence she rejected intervention, and gave her vote first, last, and all the time, for General Cass, the expounder, the embodiment of non-intervention. The same remark is true of Mississippi, represented now so ably by the Senator who arraigned me the other day. He tells us that he always fought this doctrine of non-intervention. So he has; but at that time he had not the same power in the State of Mississippi; he had not made the same impress on that people, by his eminent talents and great public services, as he has since; and hence he was then unable to seduce Mississippi away from the doctrine of non-intervention. Louisiana, too, then true to the Democratic creed; true to the doctrine of non-intervention; true to the maintenance of the Union; hostile to intervention—because intervention led directly to disunion—rallied around General Cass as the standard-bearer in 1848, first, last, and all the time. So of the other States which I have named.

On the fourth ballot, (which was the last one, and the one on which General Cass was nominated by a two-thirds vote,) in the slaveholding States, General Cass received 94 votes; Mr. Buchanan, 7 votes; Mr. Woodbury, 13 votes; General Worth, 1; General Butler, 3. The southern States voting for General Cass were: Delaware, 3; Maryland, 6; Virginia, 17; North Carolina, 11; South Carolina, 9; Georgia, 10; Mississippi, 6; Louisiana, 6; Texas, 4; Arkansas, 3; Tennessee, 7; Kentucky, 7; Missouri, 7. Even South Carolina, when she found that her own favorite had no chance of a nomination—so soon as she found that General Cass was the choice of a majority of the party—wheeled into line, surrendered her preference, and declared the champion of non-intervention as her next choice for the Presidency. Then she did not think this doctrine was sufficient cause either to dissolve the Union or to disrupt the Democratic party.

On the first ballot the northern States gave Cass 59; Woodbury, 39; Buchanan, 32; showing that General Cass received only 59 out of 130 northern votes cast, New York not voting in consequence of her double delegation; and in all the slaveholding States he received, on the first ballot, 66 out of 118 votes, being a majority of the whole number. These facts show that General Cass was not the choice of a majority of the northern Democracy at that time, but was the choice of a majority of the southern Democracy.

Now, I shall proceed to show that these votes were cast with distinct reference to the doctrine of non-intervention as now supported by myself and affirmed by the Democratic party at Charleston, and as resisted by the Senator from Mississippi and those who seceded from the Charleston convention. General Cass, on the fourth ballot, received the nomination. The whole number of votes cast was 257; necessary to a choice, 170. Thereupon the record says:

"Lewis Cass, of Michigan, having received two thirds of the whole number of votes cast,

"The chairman declared him duly nominated by the convention as the candidate for President.

"The announcement of this result by the Chair was followed by enthusiastic and long-continued applause, the members of the various delegations almost universally springing to their feet, and uniting in one spirit-stirring shout of approbation.

"Mr. Toucey, of Connecticut, rose simultaneously with Mr. Bryce, of Louisiana, to move that those States whose delegates had not voted for General Cass, might have an opportunity of changing their vote, so that the nomination might be unanimous. This motion was agreed to, and the States whose votes had not been cast wholly for Mr. Cass, being called"—

the other States went on to change their votes and to make the nomination unanimous. They were proceeding to declare General Cass nominated on the votes of two-thirds of the members present, not two-thirds of the whole number of votes in the electoral college. Here you find an express decision that two-thirds of those present and voting, and not two-thirds of the whole electoral college was the rule; New York not voting, because she had a double delegation, and neither would consent that the other should sit with them. Then speeches were made in favor of making the nomination unanimous:

"Mr. McCandless of the Pennsylvania delegation, Mr. Humphreys of Maryland, Mr. Wells of New Hampshire, Mr. Turney of Tennessee, Mr. Toucey of Connecticut, Mr. Carey of Maine, Messrs Rantoul and Hallett of Massachusetts, Mr. Hibbard of New Hampshire, Mr. Pearce of Rhode Island, and Mr. R. P. Thompson of New Jersey, in brief and eloquent speeches, announced the unanimous vote of their delegation for the nominee of the convention, and pledging him their cordial and united support."

These gentlemen had thus far opposed General Cass, because they preferred other men: but they felt it their duty to withdraw their opposition, and support him as the standard-bearer of the party.

Thereupon,

"Mr. Yancey, of Alabama, stated that he desired to have the platform—on which they intended to place the candidate—erected before he would be prepared to pledge his support.

"Mr. Winston, of Alabama, pledged the people of Alabama to sustain the nominee.

"Messrs King, J. E. Morse, Sydenham Moore, Scott and Bowden, each united in the pledge given by Mr Winston."

Some eminent names in those days are here who did not think that the doctrine of non-intervention was such a fatal heresy as to form a sufficient justification for disrupting the Democratic party, even at the hazzard of a dissolution of the Union. Governor Winston, I believe, is well known in Alabama—an eminent citizen. He pledged Alabama for General Cass on this doctrine of non intervention, carrying the Nicholson letter in his hand as the compass by which his political action was to be governed. Sydenham Moore is not a name unknown to "fame"—a most worthy man, eminent in ability, and standing well in Alabama, and now represents that State with ability and zeal in the House of Representatives. He did not regard this doctrine of non-intervention as a fatal blow at southern rights, and he felt authorized to pledge Alabama to the support of General Cass. "Mr. Avant, of Tennessee, and Mr. Magoffin, of Kentucy, spoke in favor of the nominees, pledging the support of their respective States;" and the next day the platform was adopted, in which the doctrine of non-intervention was affirmed in the seventh resolution, which is so familiar that, perhaps, it is unnecessary to read it. ["Let us hear it."] Let it be read.

Mr. PUGH read, as follows:

"7. That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the Constitution; that all efforts of the Abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions."

Mr. DOUGLAS. In 1848, the Democratic convention were of the opinion that, to countenance any interference with slavery by Congress, was dangerous to the peace and harmony of the country, and tended to a dissolution of the Union; that they would not permit this interference by Abolitionists or others. They did not regard the interventionist then any better than the Abolitionist. Southern interventionists and northern interventionists, by the fair intendment of that platform, were put on an equality. After that platform was adopted, Mr. Yancey, of Alabama, felt it to be his duty to record his solemn protest against this dangerous heresy of the Territorial Legislatures deciding on the slavery question. He came into the convention the next day, May 26, with an elaborate report against this dogma, this heresy promulgated by General Cass in his Nicholson letter, signed by William L. Lancey of Alabama, Adam G. McGehee of Florida, and J. J. M. Commander of South Carolina, accompanied with a resolution. I shall ask the Senate to listen patiently to the entire report of Mr. Yancey up on that occasion, for it embraces every thought, every idea, every principle, every pretext assigned at Charleston for withdrawing from the recent convention. In order that I may do Mr. Yancey full justice, I shall ask the Senate to listen to the entire report, the resolution, and the vote thereon. It is only one column of Niles's Register. I may here be permitted to remark, that, by anything I have said, or may say of him here, I mean no personal disrespect to Mr. Yancey. We are old personal friends. We met as members of Congress seventeen years ago. Our social relations have always been uninterrupted. I have as much admiration as any may living for his brilliant, his surpassing ability, for his great social qualities, and for the boldness and the nerve with which he avows his principles and follows them to their logical consequences; although I shrink with horror from the consequences to which his principles would lead this Republic. I ask my friend from Ohio to read that entire report.

Mr. PUGH read, as follows:

"Mr. Yancey then rose and said that he approved most cordially of the resolutions, with a single exception. He then begged to present the report of the minority of the committee, which is as follows:

"The undersigned, a minority of the committee on resolutions, ask leave respectfully to submit a minority report to this convention.

"Believing that the success of the Democratic party will depend solely upon the truth or untruth of the principles avowed by this convention, and by the nominee thereof, the undersigned cannot give their assent to the report of the majority. The nominee of this convention is understood to entertain the opinion that Congress has no right to interfere with the question of slavery in the States or Territories, but that the people inhabiting a Territory have the exclusive right to exclude it therefrom. The majority of your committee have only adopted this principle as far as applicable to the States, and have thus refused, in the avowal of the cardinal principles of the Democracy, to express any opinion upon what is really the most exciting and important political topic now before the country, leaving the people to find an exposition of the views of the great Democratic party of the Union, and of the probable course of its Representatives in Congress in the avowed opinions of their nominee for the office of President.

"This course we conceive to be fundamentally wrong. It has ever been the pride of the Democracy that it has dealt frankly and honestly with the people. It has scorned to conceal its political opinions. It has made it a point of opposition to the Whig party, that it frequently goes before the people with a mask upon its brow, and has appealed to the masses to rebuke that party for a course so offensive to truth, and so unfair to them. Our country's institutions must find their surest support in an intelligent public opinion. That public opinion cannot be intelligently formed as to our views upon those institutions if we refuse to avow them, and dare not advocate them.

"It is useless to deny that this question does not press home upon us for our decision. Ten of the sovereign non-slaveholding States have already expressed decided opinions upon it. This has been met by counteracting opinions in the South, first distinctly avowed by the State of Virginia, and since followed up by nearly every State in that section of the Union.

"It is idle to call the question an abstract one. If abstract in any sense, it is only so to the section in which have originated the avowals of aggression upon the rights of a large portion of the Union, to wit: the non-slaveholding States—they own not a dollar of property to be affected by the ascendency of the principle at issue. They have not a single political right to be curtailed. With them, opposition to the South on this point is purely a question of moral and political ethics. Far different is it with the South. They own the property which success of this principle will prevent them from carrying with them to the Territories. They have a common right in the Territories, from which they are to be excluded, unless they choose to go there without this property. They have heretofore been considered as political equals in the Union, with the same power of expansion and of progress, which has heretofore distinguished all classes in the Union, and which has given to us all the distinctive appellation of the 'party of progress.' They own, in common with their brethren of the North, these Territories, which are to be held by the Federal Government, as a trustee, for common uses and common purposes.

If, therefore, you refuse to meet the issue made upon the slaveholding by part of the non-slaveholding States, and permit the heretofore expressed opinions of your nominee to stand impliedly as the opinions of this convention, you pronounce, in substance, against the political equality of the people; against the community of interest in the Territories, which it is contended exists in the people; against the right of one-half of the people of the Union to extend those institutions which the fathers of the Constitution recognized as fundamental in the framing of the articles of union, and upon which rests the great and leading principles upon which taxation and political power are based.

In order to obviate such a construction—in order to give assurance to the public mind of our entire country that the Democracy of the Union will preserve the compromises of the Constitution, not only in the States, but in the Territories; that it recognizes entire political equality to exist among the people, and their right to people, unmolested in their rights of property, the vast Territories which the Union holds out as a trust, until sufficiently populated to be erected into States—the undersigned have agreed to present to this body, for its adoption, the following resolution:

W. L. YANCEY, of Alabama.
JOHN C. McGEHEE, of Florida.
J. M. COMMANDER, of South Carolina.

Resolved, That the doctrine of non-interference with the rights of property of any portion of the people of this Confederation, be it in the State or in the Territories, by any other than the parties interested in them, is the true republican doctrine recognized by this body.

Mr. DOUGLAS. It will be observed that, in that report, Mr. Yancey embodied the whole argument in favor of intervention for protection, or for any other purpose, which we have heard repeated over and over again for so many years. I doubt whether any Senator can take his own speech and find any one idea or argument in favor of that doctrine which is not embodied in the report of Mr. Yancy. The first statement there is, that it is understood that General Cass, the nominee, holds that a Territorial Legislature may exclude slavery from the Territory. It was not denied that General Cass held that doctrine. It was known that he did; and he was nominated because he did hold the doctrine that the people of a Territory might either introduce or exclude, protect or prohibit, slavery at pleasure. For that reason, Mr. Yancey and his two colleagues on the committee proceeded to put their protest on record. The argument of the equality of the States, of which we have heard so much, was urged. The other argument, that the Territories are the common property, and, therefore, should be open to all the citizens, independent of local authority, was used. The argument that it is not creditable to the Democratic party to go before the country dodging the question of the rights of the South in the Territories, was brought forward. It says that the convention, in the platform, had refused to express an opinion on the question whether the Territorial Legislature could prohibit slavery or not; that it was not creditable to them to avoid expressing an opinion on the point; that it convicted the Democratic party of double-dealing in the manner that they had charged upon the Whigs, and that what rendered it necessary to have an expression of opinion on that point was, that the candidate held that a Territorial Legislature could exclude slavery. Then he concludes with a resolution, which is very adroitly written, I know, but, taken in connection with the report, has a clear signification, in harmony with the report.

"That the doctrine of non-interference with the rights of property of any portion of the people of this Confederation, be it in the States or in the Territori s, by any other than the parties interested in them, is the true republican doctrine recognized by this body."

That is, nobody but the owner of the slave must interfere with his right to hold him. Neither Congress nor a Territorial Legislature must interfere with the rights of the slaveholder in the Territories to manage and control his slaves. That was the proposition Mr. Yancey presented. It was submitted to the convention—fairly and boldly met; and I will read the vote in the convention, by States, rejecting Mr. Yancey's report and resolution. Mr. Yancey enforced his report with a speech, which is here reported, but which is too long to quote, and then concluded:

"I now close by offering the resolution as an amendment to the report of the committee.

"The question was taken on Mr. Yancey's resolution; and it was, by States, rejected—36 to 216; as follows:

"YEAS—Maryland, 1; South Carolina, 9; George, 9 Florida, 3; Alabama, 9; Arkansas, 5; Tennessee, 1; Kentucky, 1—36.

"NAYS—Maine, 9; New Hampshire, 6; Massachusetts, 12; Vermont, 6; Rhode Island, 4; Connecticut, 6; New Jersey, 7; New York, —; Pennsylvania, 26; Delaware, 3; Maryland, 6; Virginia, 17; North Carolina, 11; Mississippi, 6; Louisiana, 6; Texas, 4; Tennessee, 12; Kentucky, 11; Ohio, 23; Indiana, 12; Illinois, 9; Michigan, 5; Iowa, 4; Missouri, 7; Wisconsin, 4—216.

Here we find Virginia, North Carolina, Kentucky, Tennessee, Missouri voting against the incorporation of the doctrine of intervention for the protection of slavery into the platform. They voted against the doctrine of Mr. Yancey's report and resolution. Those States then had the opportunity of affirming this doctrine, if they thought it ought to be any portion of the Democratic creed. Not only the States I have named—the border States—voted that way, but you will find voting against this doctrine Mississippi, Louisiana, Texas—the very States that have now seceded from the Charleston convention, for the reason that this same doctrine was not incorporated into the platform. In 1848, they voted against putting it into the platform; in 1860 their delegates bolt the convention because it was not put into the platform. The Senate and the country will judge who has changed on this question. North Carolina, through Mr. Strange, stated her reason for voting against this doctrine; which was that the resolutions of the platform, as it stood, covered the entire doctrine of non intervention by Congress in States and Territories. That is what he wanted; that Congress should not intervene, leaving it for the Territories to do as they pleased, so that they did not violate the Constitution; and the judiciary to correct their errors if they did violate the Constitution. Mr. McAllister, of Georgia, explained that George voted for the resolution because they did not think it went so far as was claimed by Mr. Yancey in his speech; in effect, disavowing the doctrine of intervention, which Mr. Yancey intended to affirm.

Now, Mr. President, I think I have shown conclusively that in 1848 the Democratic creed was non-intervention by Congress with slavery in the Territories, either for or against it; that Congress should not interfere either to establish or abolish it, or protect or maintain it—unquali-

fied non-intervention. The Democratic party was committed to the doctrine. It is true there were individual exceptions, men who did not believe in this doctrine of non-intervention, and the Senator from Mississippi was one of them. He supported General Cass under protest, making speeches for him, and protesting against his Nicholson letter and the doctrines contained in it. The Senator from Mississippi has a clean record, but a record outside of the Democratic party—a record at war with the Democratic platform—rebelling against its principles and acquiescing in its nomination. The Senator then, as now, granted no quarter to squatter sovereignty, but he made speeches for the squatter sovereignty chief.

I pass now, sir, to 1850, in order to show clearly by the record, as was stated by the Senator from Mississippi, that the same doctrine of non-intervention was incorporated into the compromise measures of 1850, against his will, and on my motion. We differed then, as we differ now; he against those measures, I for them. I deem it my duty, even at the risk of being a little tedious, to show that this doctrine was then thoroughly discussed, and that, after a deliberate debate, which ran over two months, it was affirmed by a vote of nearly two to one in the Senate, and incorporated into the compromise measures of 1850. On the 25th of March, 1850, the chairman of the Committee on Territories of this body (Mr. DOUGLAS) reported two bills—one for the admission of California as a State; the other, to organize the Territories of Utah and New Mexico, and adjust the disputed boundary with Texas. On the 19th of April, the Senate appointed the celebrated committee of thirteen, with Mr. Clay at its head, to consider the whole question. On the 8th of May, Mr. Clay, as chairman of the committee of thirteen, reported the celebrated omnibus bill to the Senate, which, as your records will show, consisted of the two printed bills previously reported by myself from the Territorial Committee, with a wafer between them, and certain amendments interlined in writing. One of the amendments, which was made in the committee of thirteen, I will point out, for it involves this distinct question now in dispute. The bill, as it was originally reported by myself, defined the powers of the Territorial Legislature in these words:

"*And be it further enacted*, That the legislative power of the Territories shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposition of the soil," &c.

As reported from the Territorial Committee, the bill was silent on the subject of slavery; the bill ignored the slavery question, and conferred on the Territorial Legislature power over all rightful subjects of legislation consistent with the Constitution, without excepting slavery. The committee of thirteen reported this amendment to it, after the clause; "but no law shall be passed interfering with the primary disposition of the soil," by adding "nor in respect to African slavery;" so that the committee of thirteen reported against the Territorial Legislature passing any law in respect to African slavery. Mr. Clay stated that that limitation on the Territorial Legislature had been incorporated into the bill against his will and his judgment. General Cass, in debate, made the same statement that it had been incorporated against his judgment. They were in favor of allowing the Territorial Legislature to act on all rightful subjects of legislation consistent with the Constitution, without excepting African slavery; but a majority of the committee overruled them. When this report came in, the Senator from Mississippi objected to the bill, and proposed an amendment to the very section to which I refer, which I will ask my friend to read, with the explanatory remarks of the Senator in offering it.

Mr. PUGH. When the bill came up for action on the 15th of May, Mr. DAVIS, of Mississippi, said:

"I offer the following amendment: to strike out in the sixth line of the tenth section the words '*in respect to African slavery*,' and insert the words '*with those rights of property growing out of the institution of African slavery as it exists in any of the States of the Union*.' The object of the amendment is to prevent the Territorial Legislature from legislating against the rights of property growing out of the institution of slavery." * * * "It will leave to the Territorial Legislatures those rights and powers which are essentially necessary, not only to the preservation of property, but to the peace of the Territory. It will leave the right to make such police regulations as are necessary to prevent disorders, and which will be absolutely necessary with such property as that to secure its beneficial use to its owner. With this brief explanation I submit the amendment."

Mr. DOUGLAS. Thus it will be seen that the Senator from Mississippi objected to the bill, because it did not contain a prohibition on the Legislature of the Territory against legislating in a manner hostile to slavery. He wished the Territorial Legislature to have the power to protect, but not the power to prohibit. That was his position. I give him the credit of having been consistent on that point. I wished to give the Territorial Legislature power over all rightful subjects of legislation, leaving slave property and horse property and every other species of property on an exact equal footing; leaving the people to make their own regulations as they pleased so that they did not violate the Constitution. The Senator from Mississippi desired an exception as to slavery, to the effect that they might protect it, but should not adopt unfriendly legislation to it, taking slavery out of the category of other property. Mr. Clay among other things said, in reply to the Senator from Mississippi, what will now be read.

Mr. PUGH read, as follows:

"Mr. CLAY." * * * "The clause itself was introduced into the bill by the committee for the purpose of tying up the hands of the Territorial Legislature in respect to legislating at all, one way or the other, upon the subject of African slavery. It was intended to leave the legislation and the law of the respective Territories in the condition in which the act will find them. I stated on a former occasion that I did not, in committee, vote for the amendment to insert the clause, though it was proposed to be introduced by a majority of the committee. I attached very little consequence to it at the time, and I attach very little to it at present. It is perhaps of no particular importance whatever. Now, sir, if I understand the measure proposed by the Senator from Mississippi, it aims at the same thing. I do not understand him as proposing that if any one shall carry slaves into the Territory—although by the laws of the Territory he cannot take them there—the legislative hands of the territorial governments should be so tied as to prevent it saying he shall not enjoy the fruits of their labor. If the Senator from Mississippi means to say that——

"Mr. DAVIS. I do mean to say it.

"Mr. CLAY. If the object of the Senator is to provide that slaves may be introduced into the Territory contrary to the *lex loci*, and being introduced, nothing shall be done by the Legislature to impair the rights of owners to hold the slaves thus brought contrary to the local laws, *I certainly cannot vote for it.* In doing so, I shall repeat again the expression of opinion which I announced at an early period of the session."

Mr. DOUGLAS. There it will be found that a distinct issue was made up between Mr. Clay and the Senator from Mississippi. The Senator from Mississippi insisted that the legislation of Congress should be so framed as to recognize the right of the slaveholder to go into the Territory and hold his property in defiance of the local law. Mr. Clay said that he would never agree to the recognition of the doctrine that you could carry slaves to a Territory and hold them against the *lex loci*, in defiance of the local law. On this distinct issue it was that the Senator from Mississippi and the illustrious Kentuckian differed. Mr. Clay was against the Wilmot proviso; but he was against repealing by Congress the Mexican laws that were adverse to slavery. He was against the recognition by Congress of the alleged right to carry slaves there, and hold them in violation of the local law. He was against any act that would prevent the people of the Territories from deciding for themselves whether they would have slavery or not. In other words, Mr. Clay supported and sustained every vote which the Senator from Mississippi brings in judgment against me, except one; and that one was given under instructions, as the Senator from Mississippi is well aware.

This debate shows clearly that the compromise measures of 1850 were intended to assert the principle of non-intervention by Congress with slavery in the Territories, leaving the people to do as they pleased, so that they did not violate the Constitution, and leaving the courts to ascertain whether they did violate it or not.

Mr. GREEN. Will the Senator allow me?

Mr. DOUGLAS. I cannot yield for interruption.

Mr. GREEN. Very well.

Mr. DOUGLAS. I ask my friend (Mr. PUGH) to continue the extracts from that debate, on both sides, a little further, in order to put them on the record.

Mr. PUGH read as follows:

"Mr. DAVIS." * * * "We are giving, or proposing to give, a government to a Territory, which act rests upon the basis of our right to make such provision. We suppose we have a right to confer power. If so, we may mark out the limit to which they may legislate, and are bound not to confer power beyond that which exists in Congress. If we give them power to legislate beyond that, we commit a fraud or usurpation, as it may be done openly, covertly, or indirectly."

To which Mr. Clay replied:

"Now, sir, I only repeat what I had occasion to say before, that while I am willing to stand aside and make no legislative enactment one way or the other—to lay off the Territories without the Wilmot proviso, on the one hand, with which I understand we are threatened, or without an attempt to introduce a clause for the introduction of slavery in the Territories—while I am for rejecting both the one and the other, I am content that the law as it exists shall prevail; and if there be any diversity of opinion as to what it means, I am willing that it shall be settled by the highest judicial authority of the country. While I am content thus to abide the result, I must say that I cannot vote for any express provision recognizing the right to carry slaves there."

To which Mr. DAVIS rejoined that—

"It is said our Revolution grew out of a preamble; and I hope we have something of the same character of the hardy men of the Revolution who first commenced the war with the mother country; something of the spirit of that bold Yankee who said he had a right to go to Concord, and that go he would; and who, in the maintenance of that right, met his death at the hands of a British sentinel. Now, sir, if our right to carry slaves in these Territories be a constitutional right, it is our first duty to maintain it."

Mr. DOUGLAS. These extracts confirm the statement that the issue was precisely as I have stated it, and that the Senator from Mississippi then took the ground that he now maintains; but that Mr. Clay, the champion of the compromise measures of 1850, took the opposite ground. Mr. Clay, in that very speech, answered the objection about there being two constructions of this doctrine of non-intervention. He was for non-intervention by Congress; no restriction upon the Territorial Legislature; and then leaving it to the courts to decide whether the territorial enactments were constitutional or not. That was the position of Mr. Clay; that was the position of the champion of those measures.

The Senator from Mississippi asserted his right to go with his property, in violation of the local law, and said he was going to act upon the doctrine of the sergeant at Lexington, who said that he had a right to go to Concord, and was going. The Senator from Mississippi modified his amendment so as to make the language more palatable; but not to change the principle, to wit: that the Territorial Legislature might legislate to protect slavery, but not legislate in hostility to it. In that shape, his amendment was rejected. Then Mr. Chase, of Ohio, offered the counterpart, to restrict the power, so that the Territorial Legislature might prohibit slavery, but not protect or tolerate it. That was rejected by precisely the same number of votes as the proposition of the Senator from Mississippi. By these votes, the Senate showed that the object of the bill was to leave the Territorial Legislature to do as it pleased, subject to the Constitution, with the courts to ascertain when it violated it; but not to put any restriction on the Territorial Legislature, except that which the Constitution imposed.

Now, sir, I am compelled, in this connection, to do what I dislike to do—quote from my own speeches, to show that I then took the position I do now in vindication of the ground taken by Mr. Clay, and in opposition to that assumed by the Senator from Mississippi. I will ask the Senator from Ohio to read that extract.

Mr. PUGH. Upon these amendments—the one affirming the pro-slavery and the other the anti-slavery position, in opposition to the right of the people of the Territories to decide the slavery question for themselves—Mr. DOUGLAS said:

"The position that I have ever taken has been that this and all other questions relating to the domestic affairs and domestic policy of the Territories, ought to be left to the decision of the people themselves; and that we ought to be content with whatever way they may decide the question, because they have a much deeper interest in these matters than we have, and know much better what institutions suit them than we, who have never been there, can decide for them. I would therefore have much pre-

ferred that that portion of the bill should have remained as it was reported from the Committee on Territories, with no provision on the subject of slavery, the one way or the other. And I do hope yet that that clause will be stricken out. I am satisfied, sir, that it gives no strength to the bill. I am satisfied, even if it did give strength to it, that it ought not to be there, *because it is a violation of principle*—a violation of that principle upon which we have all rested our defence of the course we have taken on this question. I do not see how those of us who have taken the position we have taken—that of non-intervention—and have argued in favor of the right of the people to legislate for themselves on this question, can support such a provision without abandoning all the arguments which we used in the presidential campaign in the year 1848, and the principles set forth by the honorable Senator from Michigan (Mr. Cass) in that letter which is known as the 'Nicholson letter.' We are required to abandon that platform; we are required to abandon those principles, and to stultify ourselves, and to adopt the opposite doctrine—and for what? In order to say that *the people of the Territories shall not have such institutions as they shall deem adapted to their conditions and their wants.* I do not see, sir, how such a provision can be acceptible either to the people of the North or the South."

Mr. DOUGLAS. Mr. President, it is unnecessary for me to add one word to the extract from my own speech, to show that I took precisely the position then that I take now. I will next ask my friend to read a brief extract from the speech of General Cass in opposition to the amendment of the Senator from Mississippi, and also to the amendment of Mr. Chase, of Ohio, and in favor of the same doctrine that I am now advocating.

Mr. PUGH. Mr. Cass said, (referring to the amendment offered by Mr. DAVIS and Mr. Chase:)

"Now, with respect to the amendments, I shall vote against them both; and then I shall vote in favor of striking out the restriction in the bill upon the power of the Territorial governments. I shall do so upon this ground: I was opposed, as the honorable Senator from Kentucky has declared he was, to the insertion of this prohibition by the committee; I consider it inexpedient and unconstitutional. I have already stated my belief that the rightful power of internal legislation in the Territories belongs to the people."

Mr. DOUGLAS. As I have already said, the vote was taken on these two amendments—the one offered by the Senator from Mississippi; the other by the former Senator from Ohio—and each of them was rejected by a vote of, yeas 25, nays 30; there being precisely the same majority against each. Having thus rejected the two propositions, the one affirming the right and power of the Territories to protect slavery, but not to prohibit it; and the other affirming the power and duty to prohibit, but not to protect, the record shows that Mr. DOUGLAS moved to strike out all in the bill concerning slavery, so that the people of the Territories might do as they pleased, without any other restriction than the Constitution. That motion was voted down when made by myself; but subsequently, after the debate had gone at great length, Mr. Clay, from his seat at the corner of the Chamber, passed to mine, and said: "If you will renew your motion to strike out that limitation, it will now be carried, and we shall save this bill." I stated to him that my friend, the Senator from New Hampshire, (Mr. Norris,) now no more, would not vote for the bill, unless those words were out; and I thought, out of courtesy, I would let him make the motion, as I had once made it, and I would see him. At the request of Mr. Clay, I went to Mr. Norris. He made the motion to strike it out. It was carried by a vote of 32 in the affirmative to 19 in the negative; thus rejecting the doctrine of the Senator from Mississippi, and sustaining the position advocated by myself.

Now, sir, I am free to say to that Senator, that he and I did differ in that contest. I advocated non-intervention then, as I do now. He fought it then gallantly, as he always fights; but he was defeated by a vote of nearly two to one; and I was sustained; and my proposition, and not his, became the basis of those measures. Congress adjourned immediately after the passage of those measures, in the midst of a terrific excitement, North and South. Northern agitators had inflamed the passions and prejudices of the northern people, by representing those compromise measures as being measures for the extension of slavery. The southern opponents of the measures had inflamed the passions of the southern people into the belief that the compromise measures were a sacrifice of southern rights and southern honor. Appeals were made to the people, North and South, by northern interventionists and southern interventionists, against those measures that had been passed by the majority—the one representing them as sacrificing northern rights and northern honor; the other representing them as sacrificing southern rights and southern honor. That was the issue.

I went to my own State to make my appeal to my own people in vindication of my course. The country knows—history has recorded—the mode in which I was received when I landed in Chicago. The City Council, filled with Abolitionists, had passed resolutions annulling the fugitive slave law, instructing the police to withhold any assistance in the execution of the law, proclaiming it to be a violation of the law of God and of the Constitution. The standard of rebellion was raised. The public passions were inflamed. A fugitive slave was about to be arrested, and civil war was anticipated by every man. It was not a pleasant task to me to go into a public meeting thus inflamed and excited and infuriated, and tell those people that they had been deceived about the character of those measures; that the fugitive slave law was right; that it was an act required by the Constitution of the country, which we were bound to support; that the compromise measures were, all of them, founded on correct and sound principles. History records the fact that I met that infuriated populace, composed of honest and intelligent, but misguided men, and that I defended each and every one of those measures before that people, and procured from them a resolution that the fugitive slave law should be executed, and the compromise measures of 1850 sustained. I must trouble my friend to read a passage from my own speech before that meeting at Chicago, in vindication of those measures—a speech made under such circumstances that my best friends warned me that my life would pay the forfeit—and then you will see on what principle I defended them.

Mr. PUGH read as follows:

"These measures are predicated on the great fundamental principle that every people ought to possess the

right of forming and regulating their own internal concerns and domestic institutions in their own way. It was supposed that those of our fellow-citizens who emigrated to the shores of the Pacific and to our other Territories, were as capable of self-government as their neighbors and kindred whom they left behind them; and there was no reason for believing that they had lost any of their intelligence or patriotism by the wayside, while crossing the isthmus or the plains. It was also believed, that after their arrival in the country, when they had become familiar with its topography, climate, productions, and resources, and had connected their destiny with it, they were fully as competent to judge for themselves what kind of laws and institutions were best adapted to their condition and interests, as we were who never saw the country, and knew very little about it. To question their competency to do this, was to deny their capacity for self-government. If they have the requisite intelligence and honesty to be intrusted with the enactment of laws for the government of white men, I know of no reason why they should not be deemed competent to legislate for the negro. If they are sufficiently enlightened to make laws for the protection of life, liberty, and property—of morals and education—to determine the relations of husband and wife, of parent and child, I am not aware that it requires any higher degree of civilization to regulate the affairs of master and servant. These things are all confided by the Constitution to each State to decide for itself, and I know of no reason why the same principle should not be extended to the Territories. My votes and acts have been in accordance with these views in all cases, except the instances in which I voted under your instructions. Those were your votes, and not mine. I entered my protest against them at the time—before and after they were recorded—and shall never hold myself responsible for them."

Mr. DOUGLAS. Mr. President, after that speech, made under the circumstances to which I have referred, more than half a million copies were circulated throughout the country by order of the great national committee of New York, which became alarmed lest the Union should be dissolved—a speech which was laid on the tables of Senators at the opening of the session, and received a wider circulation and more approval than any speech of my whole life. In view of these facts, I submit whether it is fair to charge me with having for the first time at Freeport, in 1858, asserted the doctrine that the people of a Territory can decide this question for themselves? I told the people of Chicago, in 1850, that the compromise measures rested on the great fundamental principle that every people ought to possess the right to manage their own domestic concerns in their own way; that the people of the States possessed the power, and the people of the Territories ought to have it; that all my votes had been cast in accordance with that principle, except when acting under their instructions; that those votes were the votes of those who instructed me, and not my own, and that I would never hold myself responsible for them. Is it fair for Senators to quote those votes, given under those circumstances? The Legislature of Illinois was elected a short time afterwards. When they assembled, they passed resolutions approving of the compromise measures of 1850, and instructing the Senators from that State, in all new territorial organizations, to incorporate the principle that the people of the Territory should decide the slavery question for themselves.

Thus, sir, I was sustained in my appeal to my own people in justification of my opposition to the views of the Senator from Mississippi. How was it with his appeal to his people? The country has not forgotten, and will not soon forget, with what anxiety all America looked to Mississippi, to Alabama, to Georgia, to South Carolina, to know whether or not the submissionists—as the friends of those measures were sneeringly called—were to be sustained and the Union saved, or whether the ideas now proclaimed and then held by the Senator from Mississippi were to become the rule of action in the southern States. I know not what he meant; but the country understood and believed, so far as I know, that the fate of the Union depended upon the result of those States agreeing to acquiesce or not acquiesce. I do not doubt the attachment of the Senator from Mississippi to this Union; I do not doubt his devotion to his country. His services in the field and in the Cabinet and in the Senate, have proved his attachment; but I do believe, that if he had been sustained in his appeal to the people of Mississippi against the compromise measures of 1850, the Union could not have been preserved. He appealed to Mississippi. General Foote was the standard-bearer of the friends of the compromise measures of 1850; the Senator (Mr. Davis) the standard-bearer of his own views as he has expressed them in the Senate. The world knows the result. Mississippi decided against the Senator, (Mr. Davis,) and in favor of his opponent. Mississippi rebuked the doctrine of intervention, and placed her Foote upon it.

How was it in Alabama? There Yancey led off, and was sustained by the same body of men that lately attempted to break up the Charleston convention. The same Yancey who avowed the same doctrine of intervention at Baltimore in 1848, when it was voted down by his own party, that same Yancey boldly bore the flag of the interventionists of Alabama against the compromise measures of 1850; but Alabama, like Mississippi, told Mr. Yancey and his co-interventionists to obey the laws of the land and acquiesce in the principle of non-intervention as affirmed in the measures of 1850.

In Georgia, too, the battle raged all along the line, as the Senator from that State (Mr. Toombs) can bear testimony. He found it necessary to form a union of Union men against the opponents of the compromise measures of 1850. The battle waged fiercely and savagely. You, sir, (addressing Mr. Toombs,) and your associates, were denounced as submissionists because you sustained the principle of non-intervention, as affirmed in the compromise measures of 1850. They were not going to submit—no, not they; but when the election came, Georgia decided against them, and in favor of the compromise measures, if I recollect right, by about twenty-one thousand majority. Then, instead of being the fire-eaters, they themselves in turn became the submissionists; but they submitted by compulsion of their own people. The people of Georgia told the Senator before my eye (Mr. Iverson) that he must submit to the doctrines which he taught in his speech of 1848, when General Cass was the candidate for the Presidency.

So in South Carolina. Your Rhetts led the forces there against the compromise measures. The gallant and patriotic Butler, who, although

he had opposed the measures as a Senator, feeling that it was his duty to sustain the constituted authorities, on the other hand, led those who were in favor of acquiescing in the action of Congress. And South Carolina herself decided against those men who were going to break up parties and the Union on this question of intervention and non-intervention.

Mr. HAMMOND. Mr. President——

Mr. DOUGLAS. I prefer not to yield.

Mr. HAMMOND. One single word.

Mr. DOUGLAS. Well.

Mr. HAMMOND. At the time of the passage of the compromise measures, Mr. Rhett was not in the Senate.

Mr. DOUGLAS. I know he was not.

Mr. HAMMOND. The question that arose——

Mr. DOUGLAS. I must say to my friend——

The PRESIDING OFFICER, (Mr. FITZPATRICK.) Does the Senator from Illinois yield the floor to the Senator from South Carolina?

Mr. DOUGLAS. I cannot.

The PRESIDING OFFICER. The Senator from South Carolina will resume his seat.

Mr. DOUGLAS. I am aware that Mr. Rhett was not in the Senate at that time; but Mr. Rhett's opinions were known then as well as they are now; and he led the men who were not willing to submit to the compromise measures of 1850, and was rebuked by his own people, and he became a submissionist perforce. Here you have the verdict of the American people, North and South, in favor of the doctrine of non-intervention. The southern interventionists, who had been defeated and overthrown at home, at last came to the conclusion that they, too, would submit, not from choice, but because they could not help it; and they said then to us, "Let us reunite the Democratic party, and present a united front against the Abolitionists of the North." We said to them: "Gentlemen, although you have erred; although you have erred egregiously on this question, in resisting non-intervention, we will forgive you, if you will come up to Baltimore and acquiesce in a resolution establishing non-intervention for the future." We received the Senator from Mississippi on the terms, as we supposed, of acquiescence in the compromise measures of 1850, and the affirmance of non-intervention as the rule of the party in the future. We granted him "quarter" after he had been condemned, and was ready for execution—

Mr. DAVIS. I scorned it then, and scorn it now.

Mr. DOUGLAS. Yes, sir; as I scorned his threat not to grant "quarter" the other day. I like the spirit that animates him to scorn "quarter." But, sir, the convention at Baltimore, nevertheless, did ratify and confirm these compromise measures as containing the rule of action of the party. He will not deny that the convention, by a unanimous vote, decided in favor of the compromise measures; that General Pierce was nominated for President on that issue; that he was elected on that issue and none other; that he never would have been elected but for that issue; and the Senator from Mississippi became Secretary of War by virtue of the same issue. These are stubborn facts. He never could have been Secretary of War if the Democratic nominee had not been elected. General Pierce could never have been elected or nominated if he had not stood upon the issue of non intervention by Congress with slavery in States and Territories. When the party came together, we, the friends of the compromise measures of 1850; we, the friends of non-intervention, were magnanimous and tolerant. We made no issues upon those who had differed with us; we were generous and forgiving; we did not remind them of their faults, nor of their humiliation. We recognized them as our equals. We never expected to be told that we were to be pursued to the death; and that "no quarter" was to be granted to us whenever you got the accidental power to inflict revenge. We are tolerant. If we succeed now, we do not propose to proscribe any body because of a difference of opinion, so long as he remains in the Democratic organization and supports its nominees.

Mr. President, having shown that General Pierce was nominated and elected on this principle of non-intervention; that he stood pledged by every dictate of honor and fidelity to carry it out in good faith, I will now proceed to show how it was carried out in the enactment of the Kansas-Nebraska bill. At that time the Senate of the United States had a chairman of the Committee on Territories who did unquestionably reflect the sentiments of the body, and of the Democratic party in the body. It having become necessary to organize the Territories of Kansas and Nebraska, the Committee on Territories, through me, as its chairman, on the 4th of January, 1854, made a report to this body, accompanied by a bill. In this report we set forth distinctly the principles upon which it was proposed to organize these Territories. I will ask my friend from Ohio to read an extract from that report, to show what were those principles.

Mr. PUGH read, as follows:

"In the judgment of your committee, those measures [the compromise measures of 1850] were intended to have a far more comprehensive and enduring effect than the mere adjustment of the difficulties arising out of the recent acquisition of Mexican territory. They were designed to establish certain great principles, which would not only furnish adequate remedies for existing evils, but, in all time to come, avoid the perils of a similar agitation, by withdrawing the question of slavery from the Halls of Congress and the political arena, and committing it to the arbitrament of those who were immediately interested in, and alone responsible for, its consequences. With a view of conforming their action to the settled policy of the Government, sanctioned by the approving voice of the American people, your committee have deemed it their duty to incorporate and perpetuate, in their territorial bill, the principles and spirit of those measures."

After presenting and reviewing certain provisions of the bill, the committee conclude as follows:

"From these provisions it is apparent that the compromise measures of 1850 affirm and rest upon the following propositions:

"First. That all questions pertaining to slavery in the Territories, and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, by their appropriate representatives, to be chosen by them for that purpose.

"Second. That all cases involving title to slaves, and questions of personal freedom, are referred to the adjudication of the local tribunals; with the right of appeal to the Supreme Court of the United States.

"Third. That the provision of the Constitution of the United

States in respect to fugitives from service is to be carried into faithful execution in all the organized Territories the same as in the States. The substitute for the bill which your committee have prepared, and which is recommended to the favorable action of the Senate, proposes to carry these propositions and principles into practical operation, in the precise language of the compromise measures of 1850."

Mr. DOUGLAS. It appears, from these extracts from the report of the Committee on Territories, that we did not propose to mislead any man, or to permit any man to be misled, in regard to the principle on which the proposed territorial action was to be based. The principles were distinctly set forth: first, that the slavery question was to be banished forever from the Halls of Congress, and remanded to the people of the Territories who were immediately interested: secondly, that all questions involving the title to slaves, and matters of personal freedom, were referred to the adjudication of the local tribunals, with a right of appeal to the Supreme Court of the United States. Here non-intervention was established as an invariable rule of action; the Territories were to legislate as they pleased, so that they did not violate the Constitution; and if they passed any law impairing, or injurious to, the rights of property in slaves, suit should be brought in the local court of the Territory, with a right of appeal to the Supreme Court of the United States; and that we would abide the result of such decisions. Then the fugitive slave law was to be faithfully executed and carried into effect. Can any man have an excuse for not knowing that the true intent and meaning of the Kansas-Nebraska act was, that Congress renounced forever all right or pretext for interfering with slavery in the Territories, either to establish, prohibit, or protect? Remember, the questions to be referred to the courts were such questions as should arise under the territorial enactments, and the cases all were to go into the local courts, with a right of appeal. Certainly, if gentlemen did not understand the provisions of the bill, it was not the fault of the committee that reported it.

I insist that the terms of the bill are still more explicit on this point. Having given notice, in the report, of what we intended to do, and how we intended to do it, and for what purpose we put the provision in the bill itself in language so plain that he who runs may read, there can be no excuse for not understanding it. In the fourteenth section of the bill we provided:

"That the Constitution and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the 'compromise measures,' is hereby declared inoperative and void: it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

There you find several distinct propositions affirmed in the body of the bill—that is the provision of the bill which the late Colonel Benton denounced as being a mere stump speech; because the drafter of the bill was careful enough to incorporate the distinct propositions which it was intended to carry out. We did not mean to leave it in doubt. In the first place, the principle announced was, that we repealed the Missouri compromise because it was inconsistent with the principle of non intervention by Congress with slavery in the States and Territories, as affirmed in the compromise measures of 1850. There is the assertion, that the compromise measures were inconsistent with intervention for any purpose; that it was necessary to establish non-intervention, without any exception or any qualification, in order to carry out the principle of the compromise measures of 1850; and we repealed the Missouri compromise merely for the purpose of applying that principle and banishing the slavery question from Congress, and remanding it to the people of the Territories. That was the object, the only object, for which we ever repealed it. Every Senator who voted for the Kansas-Nebraska bill declared by his vote that non intervention was the rule in the compromise measures of 1850. He is estopped from denying it; and it was well understood, at the time, that we were making an indorsement of the principle of the compromise measures of 1850; and we insisted that we would never repeal the Missouri restriction until we had that recognition. I remember well that when southern Senators, who had opposed the compromise measures of 1850, came to me and asked me to strike out the words "being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measures," I asked them why? They told me they had voted against the measures of 1850, and this seemed to stultify them, by compelling them to affirm them. I said, in these consultations, "You have agreed to withdraw your opposition and acquiesce, and I must have it inserted in the bill, that we repeal the Missouri restriction only for the purpose of carrying out the principle of non-intervention;" and there are men within the hearing of my voice to whom these reasons were given. It was considered as rather a bitter pill to those who had opposed the compromise measures of 1850; but we insisted that they should swallow it as the only condition on which we would pass such a bill. We had the recognition of the principle, and we had the pledge of honor of every Senator who voted for the Kansas-Nebraska act, that he would stand by the doctrine of non intervention in all time to come. The Journal shows it. We took his bond, and recorded it on the Journal; it still exists, and will be imperishable.

What else is asserted?

"It being the true intent and meaning of this act not to legislate slavery into any State or Territory, nor to exclude it therefrom"

That does not tell what the intent was, but what was not the intent. What was the intent?

"But to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

That was the intent. Every man who voted for the bill declared, on his oath, that that was the intent: non-intervention by Congress; the people left free to do as they pleased, so that they did

not violate the Constitution, and the courts to find out whether they violated the Constitution of the United States or not; but Congress never to interfere in any case. That is the way we agreed to this bill. The record shows it. I have no controversy with any man who was not a member of the body at the time the bill passed, nor with any man who has changed his opinions since and will avow the change; but I assert that, beyond cavil, beyond dispute, beyond pretext, the object was, as avowed in the bill itself—non intervention by Congress with slavery in the States and Territories; and I cannot permit it to be said, without reply, that non-intervention meant only that Congress should not establish or prohibit slavery, and did not mean that it should not protect it. Sir, the record shows that it did mean that Congress should never interfere for any purpose, either to protect, prohibit, or abolish.

That very question was raised by a Senator from Michigan, Mr. Stewart, while the bill was pending, after this proposition which I have read had been voted in. He said that while we had stated the principle correctly, still the effect of the bill would be, by repealing the Missouri compromise, to revive the old French laws protecting slavery, and that thus we should have intervened in the very act of non-intervening, by reviving a law for the protection of slavery. That was his opinion. Mr. Stuart laid down the proposition as a lawyer that to repeal a repealing act revived the former act; and hence, when we repealed the Missouri compromise we revived the French law that had become void when that compromise was established. That eminent lawyer and jurist, Mr. Badger, of North Carolina, replied that Mr. Stewart had properly stated the common law rule on that subject; but that the civil law rule was different, that where ever the civil law existed, if you repealed a repealing act, it did not revive the former act, and hence that no amendment was necessary on that point. After consultation, an amendment was prepared, which is known to the country as the Badger amendment, the object of which was to declare that Congress should not protect slavery itself, nor do any act by which it should be protected, contrary to the will of the people; that Congress would not only not protect it, but would not do anything that would cause a revival of any law that would protect it, the object being to leave the Territories a white sheet of paper, with nothing but the Constitution upon it, and to say to the people, "Go and write on it what you please; slavery, if you want it; and no slavery, if you do not want it." It was to be, in the classic language of that day, a clean *tabula rasa*. The way we understood it, the way the people understood it, was the way it reads now. Let me call your attention to the Badger amendment, to show that that proviso was put in for the express purpose of declaring that Congress would not even permit any old law which would protect slavery to be revived. That amendment first was in the very language that it should not revive any law which would protect or establish slavery. It was modified so as to read in these words:

"*Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of the 6th of March, 1820, either *protecting*, establishing, or abolishing slavery."

That is to say, Congress will do neither; each is inconsistent with non-intervention. These propositions were all in the bill. I well remember the history of the Badger amendment. When I found it necessary to put it in, to satisfy the scruples of some men as to whether the repeal of the Missouri restriction would not revive the old French law, I, as chairman of the committee, having charge of the bill, went to every Senator in the body friendly to the measure, who was then present, to know whether it was satisfactory, and that, too, after the debate; and every single Senator, North and South, who was then present, and friendly to the bill, agreed to that amendment in those precise words. I remember the last one whom I consulted. I saw Mr. Badger entering from the door of the cloak room at the corner. He had been out, and I went to consult him. He said, "Yes, it is right." I suggested to him that I had seen every Senator, going over all the names, who was friendly to the bill, and every one had agreed to it. "Certainly," said he. "Now," said I, "who shall offer it?" Said he, "It ought to come from a southern man. A northern man brought forward the repeal, and a southern man ought to bring forward the proviso against reviving the old laws for the protection of slavery." I asked him if he would do it? "Certainly, sir," said he. He walked right to his desk and offered it. Pending the vote on the amendment, two or three southern Senators came in, who were not aware of the agreement, and they voted in the negative; and those were the only negative votes, according to my recollection, against the Badger amendment. I say, then, the Badger amendment was put in for the purpose, and the only purpose, of declaring that, while Congress would not interfere, it would not permit, as a consequence of its act, any law to be revived that would either protect or abolish slavery, or deprive the people of the right to do as they pleased on that question.

Mr. President, the record is so full, so explicit on this matter, that there is no room for misconstruction. The only point on which anybody differed, so far as I know, was the simple one of the extent of the limitation imposed by the Constitution on the Territorial Legislature. That was the point referred to the courts. Slavery was banished forever from Congress; the people were to do as they pleased, so that they did not violate the Constitution; and, if they did, the courts were to determine the extent of the limitations imposed by the Constitution on their action. That was stated to be the object in the report accompanying the bill. That is shown to be the object in the judiciary clause of the bill; giving jurisdiction to the territorial courts in all cases touching the title to slaves, or personal freedom without regard to the amount involved in controversy, as in other cases. I could take up the debates and show that it was understood at that time, and by eminent southern men, that that was the only point referred to the courts. I will trouble the Senate only with one authority on

that point, and I quote him simply because of his eminent character and the respect this body and the country have for him—I mean Mr. HUNTER, of Virginia.

Mr. PUGH read the following extract from Mr. HUNTER's speech of February 24, 1854:

"The bill provides that the Legislatures of these Territories shall have power to legislate over all rightful subjects of legislation consistently with the Constitution. And, if they should assume powers which are thought to be inconsistent with the Constitution, the courts will decide that question wherever it may be raised. *There is a difference of opinion among the friends of this measure as to the extent of the limits which the Constitution imposes upon the Territorial Legislatures. This bill proposes to leave those differences to the decision of the courts.* To that tribunal I am willing to leave this decision, as it was once before proposed to be left by the celebrated compromise of the Senator from Delaware, (Mr. Clayton)—a measure which, according to my understanding, was the best compromise which was offered upon this subject of slavery. I say, then, that I am willing to leave this point, upon which the friends of the bill are at difference, to the decision of the courts." *Appendix to Congressional Globe, first session Thirty-third Congress, vol. 20, p. 224.*

Mr. DOUGLAS. There Mr. HUNTER states the object of the bill as explicitly and as clearly as it is possible for any man holding my opinions to state it. The only point referred to the courts was the extent of the limitation imposed by the Constitution on the authority of the Territorial Legislature. I could cite more than half the body, perhaps, to this one point, but it would only be multiplying authority on a point that is too clear to be disputed.

I have been quoting thus far only senatorial authority as to the meaning of this act. I wish to show now that the people of the country—yea, the southern people—understood the Kansas-Nebraska bill at that time as I do now, and as I explained it then. I will quote the resolutions of one sovereign State, the empire State of the South, a State that took the lead in 1850–51 in putting down the heresy of congressional intervention for the protection of slavery. I will ask my friend from Ohio to read the resolutions of the Legislature of Georgia approving of the principles contained in the Kansas-Nebraska bill, relative to the subject of slavery.

Mr. PUGH read as follows:

Resolution in relation to the Territory of Nebraska.

The State of Georgia, in solemn convention, having firmly fixed herself upon the principle of the compromise measures of 1850, relating to the subject of slavery in the Territories of the United States, as a final settlement of the agitation of that question, its withdrawal from the Halls of Congress and the political arena, and its reference to the people of the Territories interested therein; and distinctly recognizing in those compromise measures the doctrine that it is not competent for Congress to impose any restrictions as to the existence of slavery among them, upon the citizens moving into and settling upon the Territories of the Union, acquired, or to be hereafter acquired, but that the question whether slavery shall or shall not form a part of their domestic institutions, is for them alone to determine for themselves; and her present Executive having reiterated and affirmed the same fixed policy in his inaugural address:

Be it resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the Legislature of Georgia, as the representatives of the people, speaking their will, and expressing their feelings, have had their confidence strengthened in the settled determination of the great body of the northern people, to carry out, in good faith, those principles in the practical application of them to the bills reported by Mr. DOUGLAS, from the Committee on Territories, in the United States Senate, at the present session, proposing the organization of a territorial government for the Territory of Nebraska.

And be it further resolved, That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested, to vote for and support those principles, and to use all proper means in their power for carrying them out, either as applied to the government of the Territory of Nebraska, or in any other bill for territorial government which may come before them.

Resolved further, That his excellency the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

JOHN E. WARD,
Speaker of the House of Representatives.
JOHN D. STELL,
President of the Senate.

In Senate, agreed to, February 17, 1854.

HUGH M. MOORE,
Secretary of the Senate.

In House of Representatives, concurred in, February 17, 1854.

WILLIAM T. WOFFORD,
Clerk of House of Representatives.

Approved, February 20, 1854.

HERSCHEL V. JOHNSON,
Governor.

Mr. DOUGLAS. These resolutions were adopted by the State of Georgia pending the Kansas-Nebraska bill in the Senate when its provisions were well known, its features well understood; and the Legislature then stated, in the preamble, the principles which are embodied in the bill, and which were embodied in the compromise measures of 1850. They give a construction to the celebrated Georgia platform, which was the withdrawal of the question of slavery from the Halls of Congress and the political arena, and its reference to the people of the Territories interested therein—almost the precise language of my report as chairman of the Committee on Territories when the bill was introduced. Georgia approved of the policy of withdrawing the question from the Halls of Congress, and referring it to the people of the Territories. She approved of that provision which distinctly recognized the compromise measures of 1850, and provided that the question whether slavery should, or should not, form a part of their domestic institutions, was for them alone to determine for themselves. Georgia having stated that these principles were affirmed by the compromise measures of 1850—that she approves of these principles—instructs her Senators to vote for the Kansas-Nebraska bill introduced by myself, as chairman of the Committee on Territories. It is undeniable that Georgia understood the Kansas-Nebraska bill as I understand it. She understood the compromise measures of 1850 as I understand them. These Georgia resolutions are as good a platform as I want. I am willing to take the preamble and resolutions adopted by the State of Georgia in 1854, without the dotting of an *i*, or the crossing of a *t*, and declare them to be the Democratic platform. I hear men behind me say they are not. I am. I will take the Georgia platform with its own interpretation, not mine. I could not use language to express my own opinions more clearly and unequivocally than I find them standing on the statute-book of Georgia at this day as instructions to her Senators.

The country then understood this measure as I now explain it; and I will show you that the House of Representatives, as well as the Senate, understood it in the same way. It will be recollected that Colonel Richardson, of Illinois, was chairman of the Committee on Territories, and, as such, reported the Kansas-Nebraska bill in the

House of Representatives. He explained it then as I do now. The reputation that he made during that session in the passage of this great measure, so commended him to southern Democrats, that when the next Congress assembled they presented his name as the Democratic candidate for Speaker, against the Republican candidate, Mr. Banks, of Massachusetts. Pending that election for Speaker, the southern Opposition members charged Mr. Richardson with not being sound on the slavery question, because he held to this odious doctrine of non-intervention, or squatter sovereignty, as polite gentlemen are in the habit of terming it. General Zollicoffer propounded questions for the candidates for Speaker to answer. These questions were read from the Clerk's table, and Mr. Richardson, as well as the other candidates, proceeded to answer. I will ask my friend to read the answer of Governor Richardson.

Mr. PUGH read, as follows:

Mr. RICHARDSON. The Constitution does not, in my opinion, carry the institution of any States into the Territories; but it affords the same protection there to the institutions of one State as to another. The citizen of Virginia is as much entitled, in the common territory, to the protection of his property, under the Constitution, as the citizen of Illinois; both are dependent upon the legislation of the territorial government for laws to protect their property, of whatever kind it may be. Thus it will be seen, that though there may be upon this point a difference theoretically—involving questions for judicial decision—yet there is none, practically, among the friends of non-intervention by Congress, as the practical result is to place the decision of the question in the hands of those who are most deeply interested in its solution, namely: the people of the Territory, who have made it their home, and whose interests are most deeply involved in the character of the institutions under which they are to live."—*Congressional Globe*, vol. 32, part 1, p. 222.

Mr. DOUGLAS. Subsequently, but on the same day, January 12, 1856, in reply to a question by Mr. BINGHAM, Colonel Richardson said:

"I said in my remarks this morning, that, in my opinion, the people of a Territory have the right either to establish or prohibit African slavery. I think that is an answer to the gentleman's question."—*Ibid.*, p. 227.

That was the answer of Colonel Richardson when a candidate for Speaker, and questioned by southern as well as northern men, as to his opinions on this very question. I was not here at the time. I was prostrate upon a sick bed, in Indiana, with very little prospect of ever seeing the Capitol again. When Colonel Richardson's answer was read to me, I was rejoiced to hear that he had given a clear and explicit explanation of the true meaning of the Kansas-Nebraska bill, as we understood it. The Journals show that, upon this answer being given, the House, on the same day, proceeded to the one hundred and eighth ballot for Speaker, and I ask my friend from Ohio to read the names of the men voting for Mr. Richardson after this answer was made:

Mr. PUGH read, as follows:

"*For Mr. Richardson*—Messrs. Aiken, Allen, Barclay, Barksdale, Bell, Hendley S. Bennett, Bocock, Bowie, Boyce, Branch, Burnett, Cadwalader, Caruthers, Caskie, Clingman, Howell Cobb, W. R. W. Cobb, Craige, Davidson, Denver, Dowdell, Edmundson, Elliot, English, Faulkner, Florence, Thomas J. D. Fuller, Goode, Greenwood, Augustus Hall, Sampson W. Harris, Thomas L. Harris, Herbert, Hickman, Houston, Jewett, George W. Jones, Keitt, Kelly, Kidwell, Letcher, Lumpkin, S. S. Marshall, Maxwell, McMullin, McQueen, Smith Miller, Millson, Mordecai, Oliver, Orr, Peck, Phelps, Powell, Quitman, Ruffin, Rust, Sandidge, Savage, Samuel A. Smith, William Smith, Stephens, Stewart, Talbott, Vail, Warner, Watkins, Winslow, Daniel B. Wright, and John V. Wright."—*Congressional Globe*, vol. 32, part 1, p. 228.

Mr. DOUGLAS. The country will not hesitate to recognize distinguished names on that list which they have been in the habit of regarding with great favor and confidence. Every southern Democrat, without exception, as shown by the Journal, recorded his vote for Governor Richardson for Speaker after that explanation of the Kansas-Nebraska bill. If my memory serves me, a distinguished gentleman from South Carolina, and others now present, had refused to vote for Richardson before this explanation was made, and this explanation, declaring himself in favor of non-intervention, in favor of the rights of the people of the Territories to do as they pleased, was so perfectly satisfactory to the members from South Carolina and other southern States, that they all voted for him on the next ballot. (Laughter, and applause in the galleries.)

Who ever expected that, in less than five years from that day, you would find these same gentlemen making a test against a man because he held the identical sentiments which were then affirmed? I reckon I am about as sound on this question as Governor Richardson. He and I agree precisely in our construction of the act. He was the chairman of the Territorial Committee in one House, and I in the other; and less than five years ago you affirmed, either that you approved of Richardson's construction, or that his entertaining those views constituted no objection to him. Who has changed since that time? Is it I, who now avow the principles I did then; or those who now denounce me for holding the same opinions which they then seemed to sanction by their votes? I make no tests with gentlemen. If they have honestly changed their opinions since that time, they should frankly avow the change. No man should cherish such a pride for consistency as to cling to error one moment after he is convinced of it; but a man, whenever he changes his opinions, ought to avow it, and give the reasons for the change, so as to remove the scales from our eyes also. If I can forgive all these honorable gentlemen for having changed their position, is it asking too much of them to forgive me for my fidelity to principles of action to which they and I were solemnly committed within so short a period?

But, Mr. President, I want to add a little more authority on this point. It will be remembered that in 1848 Alabama took the lead at the Baltimore convention in asserting the doctrine of congressional intervention in the Territories. It will be remembered that in 1856 she took the lead in demanding of the Cincinnati convention, as an ultimatum, the repudiation of the doctrine of intervention, and the adoption in its place of the doctrine of non-intervention. The Alabama State convention which appointed delegates to Cincinnati in 1856, happened to be in session when the contest for Speaker took place between Colonel Richardson and Mr. Banks. The Democracy of Alabama were looking to Washington for the result of that contest with intense anxiety. There stood the gallant Richardson, the author of the

Kansas-Nebrasba bill so far as the House was concerned, the nominee of his party, proclaiming to the world in bold language its true meaning; and every Democrat in Alabama heartily sympathized with him, and hoped that Richardson, the defender of southern rights, might be elected Speaker. The State convention, then in session, representing the Democracy of Alabama, felt so deeply upon this subject, that they deemed it their duty to go out of the usual routine, and pass a resolution of approval. I ask my friend to read that resolution.

Mr. PUGH read, as follows:

"*Resolved*, That the course pursued by the gallant men of the South and North, in their efforts to organize the present Congress of the United States, by the election of Mr Richardson as Speaker, receives our hearty approval. They have acted wisely in holding out against the designs of the fanatical majority to force a Free Soil organization upon them; that to their hands we can safely trust the rights of the South and the true principle of conservative nationality, with the confidence that they will never abandon them in any trial, even amidst the confusion and terrors of disorganization."

Mr. DOUGLAS. Mr. President, I have only to say upon this point that it seems the Alabama State convention, in 1856, did not regard Colonel Richardson's construction of the Kansas-Nebraska bill as so monstrous a heresy as to disqualify every man for office who held his opinions. It seems so from the fact that they indorsed the gallant Richardson and the faithful southerners who voted for him. This inference is confirmed by the fact that the same convention instructed their delegates to the Cincinnati convention to insist upon the express recognition of the doctrine of non-intervention by Congress with slavery in the Territories as the only condition upon which Alabama would consent to be represented at Cincinnati. This was the ultimatum of the Alabama Democracy in 1856. I ask my friend from Ohio to read that part of the resolutions

Mr. PUGH read, as follows:

"8. That it is expedient that we should be represented in the Democratic national convention, upon such conditions as are hereinafter expressed.

"9. That the delegates to the Democratic national convention, to nominate a President and Vice President, are hereby expressly instructed to insist that the said convention shall adopt a platform of principles, as the basis of a national organization, prior to the nomination of candidates, unequivocally asserting, in substance, the following propositions: 1. The recognition and approval of the principles of non intervention by Congress upon the subject of slavery in the Territories. 2. That no restriction or prohibition of slavery, in any Territory, shall hereafter be made by any act of Congress. 3. That no State shall be refused admission into the Union because of the existence of slavery therein. 4. The faithful execution and maintenance of the fugitive slave law.

"10. That if said national convention shall refuse to adopt the propositions embraced in the preceding resolution, our delegates to said convention are hereby positively instructed to withdraw therefrom."

Mr. DOUGLAS. There is some very sound and wholesome doctrine contained in these instructions. The Alabama delegates were to demand that the platform be made first, and that the platform should expressly affirm the doctrine of non-intervention. The Cincinnati convention acceded to the demands of the Alabama Democracy. I indorsed those propositions; I am willing to abide by them now. They are a fair exposition of the Kansas-Nebraska bill. They are identical with the Cincinnati platform. The Charleston convention indorsed those identical propositions, and Alabama seceded because the convention did so! Alabama went into the Cincinnati convention demanding non intervention as the condition on which she would remain. She got it. She went into the Charleston convention demanding the reverse of non-intervention as the only condition on which she would remain. She did not get it, and she went out. Alabama led the bolt at Charleston solely for the reason that the majority of the convention adopted the Alabama ultimatum of 1856! I recognize the right of the Democracy of Alabama to change their opinions just as often as they please. Very few men live who have not changed many opinions. Men who have more regard for truth than consistency will change whenever convinced of their error. Hence I do not condemn Alabama for bolting now for the very reason that she assigned for going in the Cincinnati convention in 1856; but it is not to be expected that we who accepted her ultimatum then, and have ever since observed it in good faith, should be satisfied to be denounced as enemies to the South, for holding fast to the same principles which she then proclaimed.

I repeat, that I am willing now to stand by those terms and conditions that Alabama prescribed as her ultimatum in 1856. I must do this justice to the Democracy of Alabama: I do not believe the Democracy of that State indorse or approve of this attempt to break up the Democratic party of the Union because the party would not change the platform. I believe the people of Alabama are now as much attached to the principles of the Democratic party, as they understood them themselves and proclaimed them to the world, as they were in 1856. I do not believe that Alabama will follow Mr. Yancey now in his mad scheme to break up the Democratic party in quest of Congressional intervention any more than she did in 1848, when he attempted the same thing.

At this point, the honorable Senator yielded to a motion to adjourn.

WEDNESDAY, MAY 16, 1860.

Mr. DOUGLAS. Mr. President, I feel that it is due to the Senate to express my sincere thanks for the courtesy they extended to me yesterday, in postponing the remainder of my remarks until to-day, when it was evident that I was physically exhausted. I fear that I shall be under the necessity of claiming the indulgence of the body also for the desultory manner in which I shall present my views to-day, and possibly for my inability to say all that I would like to have presented to the Senate on this question. A recurrence of a severe disease of the throat, which I contracted some years ago, in discussions in the open air in vindication of the principle of non-intervention against the assaults of the Republican party, has severely affected my voice and impaired my physical strength. However, I will proceed as best I may, to conclude what I have to say upon the question.

In the first place, I will answer some objections

that have been made to my course, and some of the evidences that have been adduced to convict me of having given a wrong construction to the Kansas-Nebraska bill. The first one is the action of the Senate, my own vote included, upon what was known as the Chase amendment to the Kansas-Nebraska act, at the time of its passage. It will be recollected that after the Senate had adopted the provision in the fourteenth section of the bill, which declared the true intent and meaning of the act to be "not to legislate slavery into any State or Territory, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States," Mr. Chase, of Ohio, offered the following additional amendment, to insert the words:

"Under which the people or the Territory, through their appropriate representatives, may, if they see fit, prohibit the existence of slavery therein."

It will be observed that that amendment was precisely the same in its legal effect as the one which Mr. Chase submitted to the compromise measures of 1850, by which the people of a Territory should have the power to prohibit slavery but not the power to introduce and protect it. The amendment which he offered to the Kansas-Nebraska bill was intended to have precisely the same effect, and was the counterpart of the proposition of the Senator from Mississippi, offered as an amendment to the compromise measures of 1850, that the Territorial Legislature should have the power to protect, but not to exclude or prohibit slavery. When this amendment was offered by Mr. Chase it stood in the position of an amendment to an amendment. The record shows that Mr. Pratt, of Maryland, appealed to Governor Chase to accept an additional amendment, by inserting the words "or introduce" after the word "prohibit," so that it would read that the people of a Territory might prohibit or introduce slavery. Governor Chase's amendment being an amendmet to an amendment, the proposition of Mr. Pratt was out of order. Mr. SEWARD, of New York, made the point of order, which was sustained by the Chair, and consequently Governor Chase having refused to accept the words "or introduce," it was not in order to move the amendment. I will have an extract read from the speech of Governor Pratt, of Maryland, on that occasion, showing what was the understanding at the time of the object of Mr. Chase's amendment.

Mr. PUGH read, as follows:

"Mr. PRATT said: Mr. President, the principle which the Senator from Ohio adopts as the principle of his amendment is, that the question shall be left entirely and exclusively to the people, whether they will prohibit slavery or not. Now, for the purpose of testing the sincerity of the Senator, and for the purpose of deducing the principle of his amendment correctly, I propose to amend it by inserting after the word 'prohibit' the words 'or introduce;' so that, if my amendment be adopted, and the amendment of the Senator from Ohio, as so amended, be introduced as a part of the bill, the principle which he says he desires to have tested will be inserted in the bill—that the people of the Territories shall have power to prohibit or introduce slavery as they may see proper. I suppose the question will be taken on the amendment which I offer to the amendment."

Mr. DOUGLAS. As I remarked, Mr. SEWARD, of New York, objected to Governor Pratt's amendment to insert the words "or introduce," by which he was deprived of the opportunity of having a vote on it; and Governor Chase having refused to accept that amendment, it left the Senate to vote simply on the question whether they would so amend the bill as to give the power to prohibit without the power to introduce and protect slavery. That amendment was rejected because the words offered by Governor Pratt were not accepted. And yet, sir, in the face of these facts, my vote against this Chase amendment has been cited as evidence that I myself was unwilling to allow the people to act either for or against slavery in the Territories. The debate on this amendment shows clearly and conclusively that the understanding of the framers of the bill was, that we were to allow the people to act as they pleased, so that they did not violate the Constitution, for or against slavery as they choose; and if their territorial enactments were inconsistent with the Constitution, the courts were to apply the remedy, but not Congress. The record shows that Mr. Shields, then my colleague, appealed to Governor Chase to accept of the amendment of Mr. Pratt. Mr. Shields said:

"If the honorable Senator will permit, I will suggest to him, if he wishes to test that proposition to put the converse as suggested by the honorable Senator from Maryland, and then it will be a fair proposition. Let the Senator from Ohio accept the amendment of the Senator from Maryland for the purpose of testing the question."

I will ask my friend from Ohio also to read what Mr. Senator Badger, of North Carolina, then said in respect to this Chase amendment.

Mr. PUGH read as follows:

"Mr. President, I have understood, I find, correctly, the purport of the amendment offered by the honorable Senator from Ohio. The purpose of the amendment and the effect of the amendment, if adopted by the Senate, and standing as it does, are clear and obvious. *The effect of the amendment, and the design of the amendment, are to overrule and subvert the very proposition introduced into the bill upon the motion of the chairman of the Committee on Territories,* [Mr. DOUGLAS.] Is not that clear? The position as it stands, *is an unrestricted and unreserved reference to the territorial authorities, or the people themselves,* to determine upon the question of slavery; and, therefore, by the very terms, as well as by the obvious meaning and legal operations of that amendment, [of Mr. Pratt,] TO ENABLE THEM EITHER TO EXCLUDE, OR TO INTRODUCE, OR TO ALLOW SLAVERY. If, therefore, the amendment proposed by the Senator from Ohio were appended to the bill in the connection in which he introduces it, the necessary and inevitable effect of it *would be to control and limit the language which the Senate has just put into the bill,* and to give it this construction; that though Congress leaves them to regulate their own domestic institutions as they please, yet, in regard to the subject matter of slavery, *the power is confined to the exclusion or prohibition of it.* I say this is both the legal effect and the manifest design of the amendment. The legal effect is obvious upon the statement; the design is obvious upon the refusal of the gentleman to incorporate in his amendment what was suggested by my honorable friend from Maryland, the propriety and fairness of which were instantly seen by my friend from Illinois. [Mr. Shields.]

* * * * * * * *

"I have no hesitation, therefore, in saying that I shall vote against the amendment of the Senator from Ohio. The clause as it stands is ample. It submits the whole authority to the Territory to determine for itself. That, in my judgment, is the place where it ought to be put. *If the people of these Territories choose to exclude slavery, so far from considering it a wrong done to me, or to my constituents, I shall not complain of it. It is their own business.*"

Mr. DOUGLAS. I now ask that the vote on rejecting the Chase amendment, for the reasons assigned in the debate which I have quoted, may be read.

Mr. PUGH read as follows:

"The question being taken by yeas and nays on the amendment of Mr. Chase, it resulted—yeas 10, nays 36.

"YEAS—Messrs. Chase, Dodge of Wisconsin, Fessenden, Fish, Foote, Hamlin, Seward, Smith, Sumner, and Wade—10.

"NAYS—Messrs. Adams, Atchison, Badger, Bell, Benjamin, Brodhead, Brown, Butler, Clay, Clayton, Dawson, Dixon, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Gwin, Houston, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mason, Morton, Norris, Pettit, Pratt, Rusk, Sebastian, Shields, Slidell, Stuart, Toucey, Walker, Weller, and Williams—35.

Mr. DOUGLAS. Thus it will be seen, from the record, that the Chase amendment was rejected because it did not leave the people free to act on the subject, either for or against slavery, to introduce, protect, or prohibit, as they saw proper; and that these reasons were assigned at the time by southern men—Pratt of Maryland, Badger of North Carolina, and others—for voting against the Chase amendment. If those who cited this amendment, and my votes upon it, against me, had read the debate as well as the amendment itself, they would have found that it proved precisely the reverse of that for which it was cited against me.

The amendment offered by my colleague, in 1856, to the TOOMBS bill, and my vote against it, have been cited as evidence that it was not the intention or the understanding of any of us, when the Kansas-Nebraska bill passed, to allow the people to act on this question. I will ask that the TRUMBULL amendment be also read. The bill to which that amendment was offered was a bill known as the Toombs bill, to authorize the people of Kansas to form a constitution and come into the Union as a State. It was not offered as an amendment to a territorial bill, but to a State bill; and, as an amendment to a State bill, was fixing a construction to a territorial bill which was to cease to operate by the admission of a State under the bill which we were then passing.

Mr. PUGH read as follows:

"*And be it further enacted* That the provision in the act 'to organize the Territories of Kansas and Nebraska,' which declares it to be 'the true intent and meaning of said act not to legislate slavery into any Territory or State, or to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States,' *was intended to and does confer upon or leave to the people of the Territory of Kansas full power at any time through its Territorial Legislature to exclude slavery from said Territory, or to recognize or regulate it therein.*"

Mr. DOUGLAS. Thus it will be seen that the amendment of my colleague was to declare, in the bill for the admission of a State into the Union, that it was the intent of the act of Congress organizing that Territory, to allow the people of the Territory either to introduce or exclude slavery, as they saw proper. This amendment was rejected by the Senate on two grounds. One was, that it was irrelevant to append it to a State bill, when it was declaring the intent of a territorial bill. The other ground was, that it was an act of usurpation for the Congress of the United States to attempt to adjudicate the meaning of that territorial bill; that the question what its true intent and meaning was after it passed, belonged to the courts, and not to the Senate or House of Representatives; and the attempt of Congress thus to expound it was an act of usurpation. To prove that such was the case, I will ask to have read brief extracts from various speeches which I have collected, showing the grounds on which the Trumbull amendment was opposed. I will remark, that no man intimated, pending that debate, that the Trumbull amendment did not contain the true meaning of the bill; but they said, we will not by act of Congress attempt to expound a territorial act.

Mr. PUGH read as follows:

"Mr. CASS said: Now, in respect to myself, I suppose the Senate knows clearly my views. I believe the original act gave the Territorial Legislature of Kansas full power to exclude or allow slavery." * * * * "This being my view, I shall vote against the amendment.

"Mr DOUGLAS said: The reading of the amendment inclines my mind to the belief that, in its legal effect, it is precisely the same with the original act, and almost in the words of that act. Hence, I should have no hesitancy in voting for it, except that it is putting on this bill a matter that does not belong to it." * * * * * * *

"Mr. BIGLER said: Now, sir, I am not prepared to say what the intention of the Congress of 1851 was, because I was not a member of that Congress. I will not vote on this amendment, because I should not know that my vote was expressing the truth. I agree, too, with the Senator from Michigan [Mr. Cass] and the Senator from Illinois, [Mr. DOUGLAS,] that this is substantially the law as it now exists."

"Mr. TOUCEY said: Now, I object to this amendment as superfluous, nugatory; worse than that, as giving grounds for misrepresentation. It leaves the subject precisely where it is left in the Kansas Nebraska bill." * * * *

"Mr BAYARD said: I have no objection to the amendment proposed by the honorable Senator from Illinois, [Mr. TRUMBULL,] which to me would be perfectly sufficient, independent of any other: *and that is, it is nothing more or less than an attempt to give a judicial exposition by the Congress of the United States to the Constitution; and I hold that they have no right to usurp judicial power.*"

Mr. DOUGLAS. I will ask the reading of the vote on the reasons assigned in debate for giving the vote.

Mr. PUGH read as follows:

"The question being taken by yeas and nays on the amendment, resulted—yeas 11, nays 34, as follows:

"YEAS—Messrs. Allen, Bell of New Hampshire, Collamer, Durkee, Fessenden, Foote, Foster, Hale, Seward, Trumbull, and Wade—11.

"NAYS—Messrs. Adams, Bayard, Benjamin, Biggs, Bigler, Bright, Brodhead, Brown, Cass, Clay, Crittenden, Dodge, Douglas, Evans, Fitzpatrick, Geyer, Hunter, Iverson, Johnson, Jones of Iowa, Mallory, Mason, Pratt, Pugh, Reid, Sebastian, Slidell, Stuart, Thompson of Kentucky, Toombs, Toucey, Weller, Wright, and Yulee—34.

Mr. DOUGLAS. Thus it appears from the record that all who voted for the Trumbull amendment declared by their votes that it was the true intent and meaning of the act not to legislate slavery into a Territory or out of it, but to leave the people thereof to do as they pleased, subject to the Constitution. It appears from the debates, however, that all who voted against it assigned as a reason for the negative vote either that it was irrelevant, or that it was a usurpation of judicial power; but no one of them intimated or pretended it was not a true explanation of the bill. Mr. BAYARD said in his remarks that—

"It is nothing more or less than an attempt to give a judicial exposition, by the Congress of the United States, to the Constitution; and I hold that they have no right to usurp judicial power."

Now what act was it that was to be a usurpation of judicial power? It was the proposition of Congress to declare that, under the Nebraska bill, and the Constitution of the United States, the people of the Territory had the power to introduce or exclude slavery. Mr. BAYARD said that was an act of usurpation, an act beyond the con-

stitutional authority of the Senate; and yet we have resolutions now under debate, by which the Senate is called upon to adjudicate that identical question. The resolutions on your table provide that neither Congress nor a Territorial Legislature have a right to exclude slavery from a Territory. That is the substance of them. The object of these resolutions is to ask the Senate to decide this very judicial question, which Mr. BAYARD, in 1856, denounced as beyond your constitutional authority to do. He denounced it as an act of attempted usurpation, and every one of you stood here silent and heard Mr. BAYARD give that denunciation to the proposition to expound the meaning of the Constitution on this question by an act of the Senate. You are now called upon by these resolutions to perform that very act of usurpation, and decide that very judicial question which, by the Kansas-Nebraska act, was to be referred to the courts and banished from Congress forever; and which you pledged yourselves by that act never to decide in Congress. There is the record. I hold you to your pledges that you will leave this question to the courts, where the Constitution leaves it, where you agreed to leave it, and banish it from the Halls of Congress, as you agreed to banish it, forever.

The Senator from Virginia, (Mr. HUNTER,) it will be remembered, in the extract that I read yesterday, declared that the understanding of the Nebraska bill was that one point was referred to courts, and that was the extent of the limitations of the Constitution on the authority of a Territorial Legislature. That was the point, the only point that was agreed to be left to the courts. The Senator from Virginia not only made that speech in 1854 on the Nebraska bill when it was pending, but last year, when a debate arose between the Senator from Mississippi (Mr. BROWN) and myself, on the 23d of February, the Senator from Virginia arose and made an explanation, and quoted that very extract as a true exposition of the meaning of the bill, and reaffirmed it as his existing sentiments. Now the Senate is called upon, in violation of the meaning and pledges of the Nebraska act, as defined by the Senator from Virginia, to decide that very question by resolutions of the Senate, which was to be referred to the courts and banished from Congress forever. I submit whether this is carrying out the true intent and meaning of that act. I submit whether this is banishing the subject from the Halls of Congress; whether it is referring it to the people immediately interested in it, subject to the limitations of the Constitution, and leaving the court to ascertain the extent of those limitations.

In the debate growing out of this Toombs bill, my colleague put the question to me after it had been answered over and over again in previous speeches, whether or not a Territorial Legislature had the power to exclude slavery. He had heard my opinion on that question over and over again. I did not choose to answer a question that had been so often responded to, but referred him to the judiciary to ascertain whether the power existed. I believe the power existed; others believed otherwise; we agreed to differ; we agreed to refer it to the judiciary; we agreed to abide by their decision; and I, true to my agreement, referred my colleague to the courts to find out whether the power existed or not. The fact that I referred him to the courts has been cited as evidence that I did not think individually that the power existed in a Territorial Legislature. After the evidences I produced yesterday, and the debate just read upon the Trumbull amendment, no man who was an actor in those scenes has an excuse to be at a loss as to what my opinion was. But it was not my opinion that was to govern; it was the opinion of the court on the question arising under a territorial law after the territory should have passed a law upon the subject. Bear in mind that the report introducing the bill was that these questions touching the right of property in slaves were referred to the local courts, to the territorial courts, with a right of appeal to the Supreme Court of the United States. When that case shall arise, and the court shall pronounce its judgment, it will be binding on me, on you, sir, and on every good citizen. It must be carried out in good faith; and all the power of this Government—the Army, the Navy, and the militia—all that we have—must be exerted to carry the decision into effect in good faith, if there be resistance. Do not bring the question back here for Congress to review the decision of the court, nor for Congress to explain the decision of the court. The court is competent to construe its own decisions, and issue its own decrees to carry its decisions into effect.

We are told that the court has already decided the question. If so, there is an end of the controversy. You agreed to abide by it; I did. If it has decided it, let the decision go into effect; there is an end of it; what are we quarreling about? Will resolutions of the Senate give any additional authority to the decision of the Supreme Court of the United States? Does it need an indorsement by the Charleston convention to give it validity? If the decision is made, it is the law of the land, and we are all bound by it. If the decision is not made, then what right have you to pass resolutions here prejudging the question, with a view of influencing the views of the court? If there is a dispute as to the true interpretation and meaning of the decision of the court who can settle the true construction except the court itself, when it arises in another case? Can you determine by resolutions here what the decision of the court is, or what it ought to be, or what it will be? It belongs to that tribunal. The Constitution has wisely separated the political from the judicial department of the Government. The Constitution has wisely made the courts a coördinate branch of the Government; as independent of us as we are of them. Sir, you have no right to instruct that court how they shall decide this question in dispute. You have no right to define their decision for them. When that decision is made, they will issue the proper process for carrying it into effect; and the Executive is clothed with the Army, the Navy, and the militia, the whole power of the Government, to execute that decree. All I ask, therefore, of you is non-intervention; hands off. In the language of the Georgia resolutions, let the subject

be banished forever from the Halls of Congress or the political arena, and referred to the Territories, with a right of appeal to the courts; and there is an end to the controversy.

Having shown conclusively what the understanding of Congress was upon this question of the compromise measures of 1850, and the Kansas-Nebraska bill, I will proceed now to show how the President of the United States who signed the bill understood it. I will ask to have read an extract from the message of President Pierce of December, 1855.

Mr. PUGH read, as follows:

"The scope and effect of the language of repeal were not left in doubt. It was declared, in terms, to be the 'true intent and meaning of this act not to legislate slavery into any Territory or State, nor exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.'

"The measure could not be withstood upon its merits alone. It was attacked with violence, on the false or delusive pretext that it constituted a breach of faith. Never was objection more utterly destitute of substantial justification. When, before, was it imagined by sensible men, that a regulative or declarative statute, whether enacted ten or forty years ago, is irrepealable; that an act of Congress is above the Constitution? If, indeed, there were in the facts any cause to impute bad faith, it would attach to those only who have never ceased, from the time of the enactment of the restrictive provision to the present day, to denounce and condemn it; who have constantly refused to complete it by needful supplementary legislation; who have spared no exertion to deprive it of moral force; who have themselves, again and again, attempted its repeal by the enactment of incompatible provisions; and who, by the inevitable reactionary effect of their own violence on the subject, awakened the country to perception of the true constitutional principle of leaving the matter involved to the discretion of the people of the *respective existing or* INCIPIENT STATES."

"It is not pretended that this principle, or any other, precludes the possibility of evils in practice, disturbed as political action is liable to be by human passions. No form of government is exempt from inconveniences; but in this case they are the result of the abuse, and not of the legitimate exercise, of the powers reserved or conferred in the organization of a Territory. They are not to be charged to the great principle of *popular sovereignty*: on the contrary, they disappear before the intelligence and patriotism of the people, exerting through the ballot box their peaceful and silent but irresistible power."

Mr. DOUGLAS. There you will find that President Pierce, who signed the Kansas-Nebraska act, speaks of it as adopting the great principle of "popular sovereignty" in the States, and also in the "incipient" States. What did he mean by the word "incipient" States? Not the States that were then in the Union. He unquestionably referred to the Territories as "incipient States," and, as such, were entitled to the benefits of the principles of self-government in respect to their domestic concerns. Hence you find the word "incipient" States, and the words "popular sovereignty," as embracing the rights of the people in those incipient States, or Territories, as we are in the habit of designating them.

Here I must be permitted to comment upon a remark of the Senator from Mississippi, in his arraignment of this doctrine of non-intervention, which he chose to call squatter sovereignty. He said that this doctrine had its first trial on the plains of Kansas; that it bore its first fruits on the plains of Kansas; and he described its legitimate fruits as resulting in anarchy, violence, bloodshed, and every imaginable evil. President Pierce, in this message, says that those acts were abuses of the principle of popular sovereignty, in violation of the principle of the act; and that the principle itself is by no means responsible for those abuses. I answer that allegation of the Senator from Mississippi by the authority of his own chief, the President of the United States, under whom he held the high and distinguished office of Secretary of War. Nor is it improper here for me to express my amazement that the Senator from Mississippi would cite the abuses, the acts of violence, and of fraud, that occurred in violation of this principle under the Administration of which he was a ruling spirit, as evidences that the principle that brought that Administration into existence was a vicious and dangerous principle. I had supposed that the Senator from Mississippi had given in his adhesion to this doctrine of non-intervention. I had supposed that he looked with pleasure upon the passage of the Kansas-Nebraska act. I had supposed that he considered that as a great measure of relief to the southern States of this Union, and that he would have been the first to defend it, as in duty bound, having held office under the Administration that glories in the passage of the act. Now we find he takes pleasure in citing those very abuses in justification of his course when he fought the principle, and as a verification of what he told us before the southern States agreed to acquiesce in the principle. I was not prepared to hear this from the gentleman from Mississippi.

Mr. DAVIS. You do not pretend to quote it?

Mr. DOUGLAS. I do not pretend to quote the language. I pretend only to say that, in substance, he did declare that this principle had its first trial on the plains of Kansas, and bore its first fruits upon the plains of Kansas; that it was accompanied with unmitigated and untold evils, and produced all sorts of mischief; and the inference was that these results justified him in his original opposition to the principle.

I now pass to the next chapter in the history of this principle of non-intervention, which you will find in the proceedings of the national convention, held at Cincinnati, in 1856. You all remember that Alabama sent her delegates to Cincinnati, demanding that the usages of the party should be reversed, and that a platform should be first made, and then furnishing the ultimatum which, if not acceded to, must be the cause for an instant withdrawal of the Alabama delegates from that convention. That ultimatum was that the convention, in its platform, should recognize the principle of non-intervention by Congress with slavery in the Territories. The convention yielded to the Alabama ultimatum. The convention incorporated that principle into the platform in language so explicit that no one can misunderstand it. I ask to have so much of the Cincinnati platform read as announced this doctrine of non-intervention.

Mr. PUGH read, as follows:

"The American Democracy recognize and adopt the principles contained in the organic laws establishing the Territories of Kansas and Nebraska, as embodying the only sound and safe solution of the 'slavery question,' upon which the great national idea of the people of this whole country can repose in its determined conservatism of the Union—NON INTERFERENCE BY CONGRESS WITH SLAVERY IN THE STATE AND TERRITORY, OR IN THE DISTRICT OF COLUMBIA.

"That this was the basis of the compromise of 1850, confirmed by both the Democratic and Whig parties in national convention, ratified by the people in the election of 1852, and rightly applied to the organization of Territories in 1854.

"That by the uniform application of this Democratic principle to the organization of Territories, and to the admission of new States, with or without domestic slavery, as they may elect—the equal rights of all the States will be preserved intact—the original compacts of the Constitution maintained inviolate—and the perpetuity and expansion of this Union insured to its utmost capacity of embracing, in peace and harmony, every future State that may be constituted or annexed, with a republican form of government."

Mr. DOUGLAS. There it will be found that the Democratic party affirmed, at Cincinnati, in language too explicit to admit of any possible misconstruction, the doctrine of non-intervention by Congress with slavery in the States or Territories, and in the District of Columbia. I only call attention to it now so far as relates to non-intervention in the Territories. The platform also declared that the same principle of non-intervention was affirmed by both parties at Baltimore, in 1852; showing that the Democratic party understood in 1856 that the convention which nominated General Pierce—upon which nomination General Pierce was elected President—did affirm this doctrine of non-intervention. It declared that both parties (Whig and Democratic) had affirmed the doctrine. It declared, also, that this principle was correctly applied in the Kansas-Nebraska bill; and that it was the great conservative principle upon which alone the peace and perpetuity of this Union could be sustained.

I wish it also to be borne in mind that the platform of principles was declared at Cincinnati unanimously, the votes being taken by States, and every delegation, from every State in the Union, was unanimous in its vote in favor of the principle. There was no one man in Mississippi then protesting against it; no one man in Alabama protesting against it; no one man in South Carolina protesting against it; none in Georgia; none in any southern State of this Union. Are we now to be told that a platform adopted by the unanimous vote of every delegation, from every State in the Union, in 1856, is so unsound and so rotten four years after, as to justify the very States who dictated it then in breaking up the party, because we insist upon adhering to it now?

But, sir, not only did the party unanimously affirm this doctrine in 1856, but your candidates nominated at that time accepted the nomination on that platform, with a construction which they then put upon it for themselves. I will now show you that they then put upon that platform the identical construction which I have ever placed upon it. I ask to have read an extract from the letter of acceptance of Mr. Buchanan, on the 16th of June, 1856.

Mr. PUGH read, as follows:

"The agitation on the question of domestic slavery has too long distracted and divided the people of this Union, and alienated their affections from each other. This agitation has assumed many forms since its commencement, but it now seems to be directed chiefly to the Territories; and judging from its present character, I think we may safely anticipate that it is rapidly approaching 'a finality.' The recent legislation of Congress respecting domestic slavery, derived, as it has been, from the original and pure fountain of legitimate political power, the will of the majority, promises ere long to allay the dangerous excitement. This legislation is founded upon principles as ancient as free government itself; and in accordance with them has simply declared that the people of a Territory, like those of a State, shall decide for themselves whether slavery shall or shall not exist within their limits."

Mr. DOUGLAS. Mr. Buchanan not only accepted the Cincinnati platform, but he was kind enough to tell the people of the United States what it meant, and that it meant that the people of a Territory, like those of a State, should decide for themselves whether slavery should or should not exist within their limits. There is nothing equivocal in this language. It is squatter sovereignty in its broadest sense, as the Senator from Mississippi uses that term. The people of a Territory, like those of a State, shall decide for themselves whether slavery shall exist or not. Mr. Buchanan told the people that slavery could not exist in a Territory unless the people of a Territory said so; it should exist if they said so, and not otherwise. Mr. Buchanan was elected on that construction of the platform. I do not ask that you shall now give it that construction. I only ask that you readopt the platform, and let it construe itself. But Mr. Buchanan was perfectly sound on that platform in 1856, with a construction identical with that which is now denounced as a heresy. The distinguished gentleman who was nominated and elected Vice President on the same ticket with Mr. Buchanan, understood the platform in the same way that Mr. Buchanan did. After his nomination at Cincinnati, he returned to his home in Lexington, and his neighbors assembled, as might have been expected, where they had such devotion to their distinguished fellow-citizen, and congratulated him on his good fortune in receiving the nomination, and Mr. Breckinridge, in reply to that congratulation, made them a speech, which was published at the time, from which I will present an extract, showing you how he understood the Kansas-Nebraska bill and the Cincinnati platform.

Mr. PUGH read as follows:

"Upon the distracting question of domestic slavery, their position is clear. The whole power of the Democratic organization is pledged to the following propositions: that Congress shall not intervene upon this subject in the States, in the Territories, or in the District of Columbia; that the people of each Territory shall determine the question for themselves, and be admitted into the Union upon a footing of perfect equality with the original States, without discrimination on account of the allowance or prohibition of slavery."

Mr. DOUGLAS. It seems that the Democratic party, in its whole organization, was pledged to the proposition of non-intervention by Congress, and referring the question to the people of the Territories. That is the way I understand it. I stand upon that platform now. I have great difficulty with my political friends in harmonizing upon platforms, and have tendered them various propositions. I have tendered them the Florida platform of 1847, and they would not take it; the Georgia platform of 1854, and they would not take it; the Alabama ultimatum of 1856, and they would not take it. I tender them now Mr. Buchanan's letter of acceptance in 1856; let it construe itself, and see if we cannot harmonize on that; or I tender Mr. BRECKINRIDGE's speech of acceptance in Lexington, in 1856, and let it construe itself. I will not

dot an *i* or cross a *t*. Gentlemen, will you take your own language when you accepted and construed the platform? I am willing to be accommodating. I do not insist on a platform from my speeches or my writings. I can pick one up all over the Senate, all over the country, from the speeches and writings of those who now arraign me as not being sound on the slavery question. (Applause in the galleries.)

Even after the election in 1856, the same principle was emphatically announced and affirmed; for in Mr. Buchanan's inaugural address, he declared:

"We have recently passed through a presidential contest, in which the passions of our fellow citizens were excited to the highest degree by questions of deep and vital importance; but when the people proclaimed their will, the tempest at once subsided, and all was calm.

"The voice of the majority, speaking in the manner prescribed by the Constitution, was heard, and instant submission followed. Our own country could alone have exhibited so grand and striking a spectacle of the capacity of man for self government.

"What a happy conception, then, was it for Congress to apply this simple rule—that the will of the majority shall govern—to the settlement of the question of domestic slavery in the Territories! Congress is neither to 'legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.' As a natural consequence, Congress has also prescribed that, when the Territory of Kansas shall be admitted as a State, 'it shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission.'

"A difference of opinion has arisen in regard to the point of time when the people of a Territory shall decide this question for themselves. This is happily a matter of but little practical importance."

"What a happy conception," he says, "for Congress to apply this simple rule—that the will of a majority shall govern—to the settlement of the question of domestic slavery in the Territories!" And, having applied it to the Territories, he says, that, "as a natural consequence, Congress has prescribed that when the Territory of Kansas shall be admitted as a State, it shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission!" So it seems that the right of the people to decide the slavery question at the time of admission was "a natural consequence" of the right of the people to decide the same question in their territorial condition. "The point of time" when the people of a Territory should decide the slavery question was deemed of "but little practical importance" by Mr. Buchanan. Yet the very point of time which was deemed of little practical importance, is now urged by his professed friends as sufficient for breaking up the Democratic party, and endangering the existence of the Union!

I speak of these things with entire respect. I do not bring them up for the purpose of condemnation, or to place any man in a false position. If these gentlemen stand now where they did in 1856, I am with them. If they do not, the question arises, who has changed? If they have changed, I do not complain of them for it. If they have had new light, if they have studied the subject more maturely, and have honestly come to the conclusion that they were then in error, they were bound as honest men to change. But if that be the case, I think I have the right to ask that they will furnish me with those arguments and reasons which induced the change in their minds, in order that I may correct my errors too, if indeed I am in error. I do not think there is any wisdom in the declaration that you have never changed an opinion. While I claim a very consistent record as a public man, I have often had occasion to say that I have modified my opinions on many questions, and take more pleasure in retracting an error than in persevering in it. All I ask is, if it be true that gentlemen have taken a step in advance or a step backward, that they will excuse me for not following them until they convince me that they ought to have taken that step.

The country has been informed that I was removed from the post of chairman of the Committee on Territories, in 1858, because I uttered at Freeport, Illinois, the identical sentiments contained in the speeches and letters of acceptance of Mr. Buchanan and Mr. Breckinridge in 1856. My heresy consisted in uttering the same sentiment then that the Senator from Mississippi bears testimony that I held and uttered in 1850; that it has been shown that I uttered, during the debate on the Kansas-Nebraska bill, in 1854, and in the debates of 1856, and which I was known to have held for many years. I do not complain of my removal from the committee. I acknowledge that, if it be true that my opinions were so heretical, that I did not fairly and honestly represent the sentiments of the Senate on these great questions, it was right to displace me, and put a man there who did. I have no complaints to make. But when you displace me for that reason, do not charge that I have changed, when the fact is, that you have changed your own opinions. You did elect me chairman of that committee, in 1847, with a knowledge of my opinions. You re-elected me each year for eleven years, by a unanimous vote in caucus, with a full knowledge of those opinions. At the end of eleven years, you removed me for holding the identical opinions that I held when you had unanimously selected me. I do not complain of this; but I do think that fairness requires that the facts should have been stated truly; and you should have said, "We have got tired of this doctrine of non-intervention; it does not work to suit us; it has not yielded such practical fruits on the plains of Kansas as we anticipated; we have concluded to abandon it all, and go back to the old doctrine proclaimed by Yancey, at Baltimore, in 1848, and rejected by the convention by an almost unanimous vote."

Now, sir, there is a difference of opinion, it seems, on this question, between me and a majority of the Democratic Senators. I regret that difference. It would have afforded me sincere and genuine satisfaction if I could have continued to hold the same relations on this question that I did formerly. It was painful to me to find that this difference of opinion had grown up, and that they had determined to make this new test by which my orthodoxy was to be questioned, and I was to be branded as a heretic. While I regretted that determination on the part of some political friends here, I cannot recognize, and do not

now recognize, the right of a caucus of the Senate, or of the House, to prescribe new tests for the Democratic party. Senators are not chosen for the purpose of making party platforms. That is no part of their duty. Under our political system there has grown up an organization known as a national convention, composed of delegates elected fresh from the people, to assemble once in four years to establish a platform for the party and select its nominees. The Cincinnati platform was the only authoritative exposition of Democratic faith until the Charleston convention met. I have stood firmly, faithfully by the Cincinnati platform, and have looked confidently to the Charleston convention to find it reaffirmed. You gentlemen who differ with me, agreed to appeal to Charleston as the grand council that should decide all differences of political opinion between you and me. I agreed, also, to look to the Charleston convention as the representatives of the party assembled from every State in the Union, and after great deliberation, three days' debate in committee, and a very elaborate and able debate in full convention, the party determined, by an overwhelming majority, in favor of the readoption of the Cincinnati platform.

I have told you all the time during the existence of these differences of opinion, that I was in favor of the Cincinnati platform without the dotting of an *i*, or the crossing of a *t*. The Charleston convention affirmed the same platform. I am no longer a heretic. I am no longer an outlaw from the Democratic party. I am no longer a rebel against the Democratic organization. The Charleston convention repudiated this new test, contained in the Senate caucus resolutions, by a majority of twenty-seven, and affirmed the Cincinnati platform in lieu of it. Then, so far as the platform is concerned, I am sustained by the party—the only authority on earth which, according to Democratic usages, can determine the Democratic creed. The question now is whether my friend from Mississippi will again acquiesce in the decisions of his party upon the platform which they have adopted, or is he going to retire from the party, bolt its nominations, break it up, because the party has concluded not to change from its position of 1856. Are my friends around me here going to desert the party because the party has not changed as suddenly as they have?

The country has often been told that I and my friends in Illinois were not acting in harmony with the Democratic organization. We have said, in reply to that accusation, "We will appeal to the national convention at Charleston and ascertain who constitute the Democratic party in Illinois, whether it be the regular organization that sustains me, or the Federal officeholders that acted, with the Republicans, against me." The Federal officeholders sent their delegates to Charleston. The regular Democratic organization, known as the Douglas organization—the same organization that returned me to the Senate; the same organization that beat the Republicans and the Federal officeholders combined in 1858—sent their delegates to Charleston, and the convention proceeded with great deliberation and impartiality and integrity to decide between them, and decided, by a unanimous vote, that the Federal officeholders of Illinois do not belong to the Democratic party—(laughter)—rejected them by a unanimous vote. So far, therefore, as these "national Democrats" of Illinois, who, in order to carry out Democratic principles, sustained the Abolition candidates, are concerned, the party has unanimously decided, at Charleston, that they do not belong to the party.

The party decided at Charleston also, by a majority of the whole electoral college, that I was the choice of the Democratic party of America for the Presidency of the United States, giving me a majority of fifty votes over all the other candidates combined; and yet my Democracy is questioned. (Laughter.) So far as I am individually concerned, I want no further or higher indorsement. I have arraigned no man. I have attempted to proscribe no man for differing with me in opinion. I have at all times said that I was willing to appeal to the grand council of the party assembled in national convention, to decide these differences of opinion. They have decided them; decided in my favor on all points—the platform, the organization, and, least of all, the individual. That is the least of all; for my friends who know me best know that I had no personal desire or wish for the nomination; know that I prefer a seat in the Senate for six years to being President, if I could have the nomination and be elected by acclamation; and know that my name never would have been presented at Charleston, except for the attempt to proscribe me as a heretic, too unsound to be the chairman of a committee of this body, where I have held a seat for so many years without a suspicion resting on my political fidelity.

I was forced to allow my name to go there in self-defence; and I will now say that had any gentleman, friend or foe, received a majority of that convention over me, the lightning would have carried a message withdrawing my name from the convention. I have not lust enough for office to desire to be the nominee against the known wishes and first choice of a majority of my party. In 1852, the instant Franklin Pierce had a majority vote, the telegraph carried my message congratulating him as the choice of the party; and it was read in the convention before the vote was announced. In 1856, the instant Mr. Buchanan received a majority vote, the lightning carried my message that James Buchanan, having received a majority of the votes of the party, in my opinion, was entitled to the nomination, and that I hoped my friends would give him the requisite two-thirds, and then make the vote unanimous. Sir, I would scorn to be the standard-bearer of my party when I was not the choice of the party. All the honors that a national convention can confer are embraced in the declaration that I am the first choice of the party as their standard-bearer, repeated on fifty-seven ballots. I ask nothing more. The party will go on and do what its own interest and its own integrity may require.

But, sir, I do rejoice that this good old Democratic party, the only organization now left sufficiently national and conservative in its principles

and great in its numbers to preserve this Union, has determined to adhere to the great principle of non-intervention by the Federal Government with the domestic affairs of distant Territories and provinces. It is a pleasing duty to me to defend this glorious old party against those who would destroy it because the party will not change its platform to suit their purposes. The leadership at Charleston, in this attempt to divide and destroy the Democratic party, was intrusted to appropriate hands. No man possessed the ability, or the courage, or the sincerity in his object, for such a mission, in a higher degree, than the gifted Yancey. He has a right to feel proud of his achievements at Charleston. In 1848, at Baltimore, he proclaimed the same doctrine, and failed to get a State to stand by him in seceding; there his doctrines were repudiated. Boldly and fearlessly he put his protest on record against the doctrine of non intervention, and withheld his assent to the support of the nominee, because he conscientiously believed that the South ought to insist on the doctrine of intervention by Congress in support of slavery in the Territories when the people did not want it. Overruled by five or ten to one in Baltimore in 1848, overruled unanimously at Baltimore in 1852, in 1856 he concluded that perhaps he would make a virtue of necessity, and submit to non-intervention; and he got up instructions in favor of non-intervention, and succeeded in putting it in the platform, before the nomination of the candidate, in 1856. But very soon he came to the conclusion that this great Democratic party was not competent to preserve and maintain the rights of the South under the Constitution. He came to the conclusion that it was time to institute some other organization for the maintenance of southern rights. That he was conscientious and sincere in his views, I do not doubt; but that they lead directly, inevitably, to a dissolution of the Union, and the formation of a southern confederacy, if carried out, I think is beyond all question. Doubtless many Senators have seen the letter of Mr. Yancey to Mr. Slaughter, of the date of June 15, 1858, upon the subject of "PRECIPITATING THE COTTON STATES INTO REVOLUTION." In order that the Senate and the country may see that I do Mr. Yancey full justice, I shall have the whole letter read.

Mr. PUGH read, as follows:

MONTGOMERY, *June* 15, 1858.

DEAR SIR: Your kind letter of the 15th is received.

I hardly agree with you that a general movement can be made that will clear out the Augean stable. If the Democracy were overthrown, it would result in giving place to a greater and hungrier swarm of flies.

The remedy of the South is not in such a process. It is in a diligent organization of her true men for the prompt resistance to the next aggression. It must come in the nature of things. No national party can save us; no sectional party can ever do it. But if we could do as our fathers did—organize "committees of safety" all over the cotton States (and it is only in them that we can hope for any effective movement)—we shall fire the southern heart, instruct the southern mind, give courage to each other, and, at the proper moment, by one organized, concerted action, we can precipitate the cotton States into a revolution.

The idea has been shadowed forth in the South by Mr. Ruffin; has been taken up and recommended by the Advertiser, under the name of "League of United Southerners," who, keeping up their old party relations on all other questions, will hold the southern issue paramount, and will influence parties, Legislatures, and statesmen. I have no time to enlarge, but to suggest merely.

In haste, yours, &c., W. L. YANCEY.

Mr. DOUGLAS. That letter, it is due to Mr. Yancey to state, was intended as a private letter to his friend, Mr. Slaughter, and was published without his authority. Having been republished and severely commented upon by the editor of the Richmond South, Mr. Yancey addressed a letter of explanation to Mr. PRYOR, in which he declared that it was a private letter, written in the freedom and carelessness of private confidence, and was subject to hostile criticism. Therefore, he proceeded to explain more fully what his views were upon the question. I have endeavored to obtain an entire and perfect copy of this letter to Mr. PRYOR, without success. I find, however, a long extract, embodying probably the whole of its material parts, in the National Intelligencer of September 4, 1858, which, I have no doubt, gives a fair representation of Mr. Yancey's opinions. Finding it in the Intelligencer, a newspaper so proverbial for its accuracy and its fairness, I doubt not that the extract does full justice to the writer. In the forepart of the letter, Mr. Yancey proceeds to say that, "to be candid, I place but little trust in such States as Delaware, Maryland, Tennessee, Kentucky, and Missouri." He has but little confidence in them. He then proceeds to give his reasons why he cannot trust them. Delaware he regards as nominally a slave State, but substantially anti-slavery. On that he differs in opinion from the distinguished Senator from Delaware, (Mr. BAYARD,) who thinks that Delaware has such an interest in slavery that it is worth while to break up the Democratic party on account of slavery. (Laughter.) But Mr. Yancey has not much faith in Delaware and Maryland. He cannot trust Maryland because, he says, she keeps Abolitionists in Congress. Then, he says, he cannot trust Missouri, because she, for a long time, sustained a Free-Soiler in the Senate, and afterwards in the House of Representatives—alluding to Colonel Benton. Then, he says, he cannot trust Tennessee, because she kept an Abolitionist here in the Senate so long, and reëlected him; and besides, he says Tennessee never had his confidence since; a Methodist conference refused to expunge certain anti-slavery opinions which John Wesley had inserted into the ritual. He cannot trust Kentucky, because Kentucky, for so many years, sustained such Free-Soilers as Clay and CRITTENDEN! (Laughter.) He then says:

"I did not name Virginia. It is true I did not discriminate between Virginia and the other border States. My purpose did not call for it."

After giving his reasons why he could not trust the border slaveholding States which I have named, and why he proposed to plunge the cotton States into revolution, separating them from the border slave States, he proceeds as follows:

Mr. PUGH read the following:

"It is equally true that I do not expect Virginia to take any initiative steps towards a dissolution of the Union, when that exigency shall be forced upon the South. Her position as a border State, and a well considered southern policy, (a policy which has been digested and understood, and approved by the ablest men in Virginia, as you yourself must be aware,) would seem to demand that, when such movement takes place by any

considerable number of southern States, Virginia and the other border States should remain in the Union, where, by their position and their counsels, they could prove more effective friends, than by moving out of the Union, and thus giving to the southern confederacy a long abolition hostile border to watch. In the event of the movement being successful, in time, Virginia, and the other border States that desired it, could join the southern confederacy, and be protected by the power of its arms and its diplomacy.

"Your charge that I designed to, and did, impeach the fidelity of Virginia, is untrue, however much of truth there may be in it with reference to those border States that I have named."

Mr. DOUGLAS. So it seems that, in 1858, a well-digested plan had been matured and approved by many of the ablest men of the South, and even in Virginia; and that by that plan it was not expected that Virginia, and these other unsound border States, were to go out of the Union when the South was forced to dissolve—using the word "forced." One would suppose that if there was any such injustice to the slaveholding States as to force the South out, in defence of her constitutional rights, Virginia would be expected to be as tenacious of them as any other State; but he did not expect that. Virginia, Tennessee, Kentucky, Missouri, Maryland, and Delaware, were expected, by that plan, to remain in the Union, for the reason that, by so remaining, they could render more service to those who went out than they could if they went out with them. A very enviable position Mr. Yancey puts the Old Dominion in! He wishes to retire from you, and asks you to remain with us, in order that you may annoy and distract and betray us, for the benefit of those that go out; and he holds out the assurance that, in the course of time, perhaps, Virginia and Maryland, and Kentucky and Tennessee, and Missouri, may become sound enough to be admitted into the southern confederacy. He is going to keep you on probation awhile, guarding a long abolition frontier, for the benefit of the cotton States; and after awhile, perhaps, if you do good service, and so act as to be entitled to his respect and confidence, then he will admit you into this southern confederacy of the cotton States!

Mr. Yancey tells us of the "well-digested plan." It was not to be executed at once; and in the mean time all the men in the plan must preserve their relations in the Democratic party, so as to influence public men and public measures, and thus be ready to have more influence in precipitating this result on the party, and breaking it up. Part of the plan was to pretend still to be members, keep in the party, go into fellowship with us, seem anxious to preserve the organization, and at the proper time plunge the cotton States into revolution. What was the proper time, to which he alluded? Was it at the Charleston convention? Was that to be the auspicious moment? The history of the event shows that Mr. Yancey there acted up to his programme announced in his letters to Slaughter and PRYOR. He preserved his relations with his party with a view of exercising influence on public men and measures, over northern as well as southern men, and finally proposed an intervention platform, reversing the creed of the party, and "at the proper time" he did precipitate the cotton States into revolution, and led them out of the convention. The programme was carried out to the letter; and he did leave in the convention those unsound States that he could not trust, such as Virginia and Tennessee and Kentucky and Missouri and North Carolina and Delaware and Maryland. Part of Delaware, I believe, followed him; but they came to the conclusion that Delaware was not big enough to divide. (Laughter.) Her champion returned back into the northern confederacy. Was it to keep watch, and guard an abolition frontier for the benefit of the cotton States? Is Delaware to be received into Mr. Yancey's southern confederacy after a while? Will he consent to allow Virginia to come? Will North Carolina be accepted by him? Will Tennessee be permitted to come in, now that she has got rid of her Free-Soil Senator? Will he allow Kentucky to join, when such Abolitionists as Clay and CRITTENDEN have ceased to represent her? I beg the pardon of the Senator from Kentucky for repeating his name in this connection. The gallant Senator from Kentucky an Abolitionist! A Free-Soiler! A man whose fame is as wide as civilization, whose patriotism, whose loyalty to the Constitution was never questioned by men of any party! (Applause in the galleries.) Oh, with what devotion could I thank God if every man in America was just such an Abolitionist as Henry Clay and JOHN J. CRITTENDEN! (Renewed applause.)

The PRESIDING OFFICER, (Mr. FOOT.)—Order!

Mr. DOUGLAS. I wish to God that the whole American people were just such Abolitionists as Clay and CRITTENDEN. (Applause in the galleries.)

The PRESIDING OFFICER. The Chair is obliged to say that a repetition of the offence from the galleries must be followed by an order for the clearance of the galleries forthwith. The Chair gives this notice to all persons occupying seats in the galleries on the assumed authority and direction of the Senate itself.

Mr. DOUGLAS. I do not say that Mr. Yancey and his associates at Charleston mean disunion. I have no authority for saying any more than appears in the publication of his matured plan. Sir, it was said with truth that the order of battle issued at Cerro Gordo by General Scott a day before the battle, was a complete history of the triumph after the battle was over, so perfect were his arrangements, so exact was the compliance with his orders. The programme of Mr. Yancey, published two years ago, is a truthful history of the secession movement at Charleston. I have not the slightest idea that all those who came under his influence in maturing his measures, concurred in the ends to which these measures inevitably led; but what were Mr. Yancey's measures? He proposed to insist upon a platform identical in every feature with the caucus resolutions which we are now asked to adopt. The Yancey platform at Charleston, known as the majority report from the committee on resolutions, in substance and spirit and legal effect, was the same as the Senate caucus resolutions; the same as the resolutions now under discussion, and upon which the Senate is called upon to vote.

I do not suppose that any gentleman advocating this platform in the Senate, means or desires disunion. I acquit each and every man of such a purpose; but I believe, in my conscience, that such a platform of principles, insisted upon, will lead directly and inevitably to a dissolution of the Union. This platform demands congressional intervention for slavery in the Territories in certain events. What are these events? In the event that the people of a Territory do not want slavery, and will not provide by law for its introduction and protection, and that fact shall be ascertained judicially, then Congress is to pledge itself to pass laws to force the Territories to have it. Is this the non-intervention to which the Democratic party pledged itself at Baltimore and Cincinnati? So long as the people of a Territory want slavery, and say so in their legislation, the advocates of the caucus platform are willing to let them have it, and to act upon the principle that Congress shall not interfere. They are for non-interference so long as the people want slavery, so long as they will provide by law for its introduction and protection; but the moment the people say they do not want it, and will not have it, then Congress must intervene and force the institution on an unwilling people. On the other hand, the Republican party is also for non-intervention in certain contingencies. The Republicans are for non-intervention just so long as the people of the Territories do not want slavery, and say so by their laws. So long as the people of a Territory prohibit slavery, the Abolitionists are for non-intervention, and will not interfere at all; but whenever the people of the Territories say by their legislation that they do want it, and provide by law for its introduction and protection, then the Republicans are for intervening and for depriving them of it. Each of you is for intervention for your own section, and against it when non-intervention operates for your section. There is no difference in principle between intervention North and intervention South. Each asserts the power and duty of the Federal Government to force institutions upon an unwilling people. Each denies the right of self government to the people of the Territory over their internal and domestic concerns. Each appeals to the passions, prejudices, and ambition of his own section, against the peace and harmony of the whole country.

Sir, let this doctrine of intervention North and intervention South become the rallying point of two great parties, and you will find that you have two sectional parties, divided by that line that separates the free from the slaveholding States. Whenever this shall become the doctrine of the two parties, you will find a southern intervention party for slavery, and a northern intervention party against slavery; and then will come the "irrepressible conflict" of which we have heard so much. We have had an illustration of what kind of intervention you will get whenever you recognize the right of Congress to intervene on this subject. The House of Representatives sent us a bill, the other day, repealing the slave code which was unanimously adopted by the Legislature of New Mexico, and fastening the Wilmot proviso upon that Territory against the will of that people. That bill is now pending on your table, and awaiting the action of this body, side by side with a resolution of one of the Senators from Mississippi (Mr. Brown) to repeal the prohibition of slavery in Kansas Territory, with a view to force them to have the institution, whether they want it or not. I tell you that the doctrine of the Democratic party, as proclaimed in 1848 and in 1852 at Baltimore, in 1856 at Cincinnati, and in 1860 at Charleston, is that we must resist, with all our energies, both these propositions for intervention. So long as the people of Kansas do not want slavery, you shall never force it on them by any act of Congress, if I can prevent it. So long as the people of New Mexico do want slavery, you on the other side of the Chamber shall never deprive them of it, if I can prevent it. You, gentlemen in the Northeast or in the Northwest, do not know what kind of laws and institutions the people of New Mexico desire as well as they do themselves. Your people in the Gulf States, or in those cotton States that are to be plunged into revolution, do not know what kind of laws and institutions are adapted to the wants and interests and happiness of the people of Nebraska, so well as the settlers in that Territory do. Our doctrine—the doctrine of the Democratic party as proclaimed at Charleston—is non-interference by the Federal Government with the local concerns and domestic affairs of the people, either in the States or in the Territories.

But, we are told that the necessary result of this doctrine of non-intervention, which gentlemen, by way of throwing ridicule upon, call squatter sovereignty, is to deprive the South of all participation in what they call the common Territories of the United States. That was the ground on which the Senator from Mississippi (Mr. Davis) predicated his opposition to the compromise measures of 1850. He regarded a refusal to repeal the Mexican law as equivalent to the Wilmot proviso; a refusal to recognize by an act of Congress the right to carry a slave there as equivalent to the Wilmot proviso; a refusal to deny to the Territorial Legislature the right to exclude slavery as equivalent to an exclusion. He believed at that time that this doctrine did amount to a denial of southern rights; and he told the people of Mississippi so; but they doubted it. Now, let us see how far his predictions and suppositions have been verified. I infer that he told the people of Mississippi so, for as he makes it a charge in his bill of indictment against me, that I am hostile to southern rights, because I gave those votes.

Now, what has been the result? My views were incorporated into the compromise measures of 1850, and his were rejected. Has the South been excluded from all the territory acquired from Mexico? What says the bill from the House of Representatives now on your table, repealing the slave code in New Mexico established by the people themselves? It is part of the history of the country that under this doctrine of non-intervention, this doctrine that you delight to call squatter sovereignty, the people of New Mexico

have introduced and protected slavery in the whole of that Territory. Under this doctrine, they have converted a tract of free territory into slave territory, more than five times the size of the State of New York. Under this doctrine, slavery has been extended from the Rio Grande to the Gulf of California, and from the line of the Republic of Mexico, not only up to 36° 30′, but up to 38°—giving you a degree and a half more slavery territory than you ever claimed. In 1848 and 1849 and 1850 you only asked to have the line of 36° 30′. The Nashville convention fixed that as its ultimatum. I offered it in the Senate in August, 1848, and it was adopted here but rejected in the House of Representatives. You asked only up to 36° 30′, and non-intervention has given you slave territory up to 38°, a degree and a half more than you asked; and yet you say that that is a sacrifice of southern rights!

These are the fruits of this principle, which the Senator from Mississippi regards as hostile to the rights of the South. Where did you ever get any other fruits that were more palatable to your taste, or more refreshing to your strength? What other inch of free territory has been converted into slave territory on the American continent, since the Revolution, except in New Mexico and Arizona, under the principle of non-intervention affirmed at Charleston? If it be true that this principle of non-intervention has conferred upon you all that immense Territory; has protected slavery in that comparatively northern and cold region where you did not expect it to go, cannot you trust the same principle further South when you come to acquire additional territory from Mexico? If it be true that this principle of non-intervention has given to slavery all New Mexico which was surrounded on nearly every side by free Territory, will not the same principle protect you in the northern States of Mexico when they are acquired, since they are now surrounded by slave territory; are several hundred miles further South; have many degrees of greater heat; and have a climate and soil adapted to southern products? Are you not satisfied with these practical results? Do you desire to appeal from the people of the Territories to the Congress of the United States to settle this question in the Territories? When you distrust the people and appeal to Congress, with both Houses largely against you on this question, what sort of protection will you get? Whenever you ask a slave code from Congress to protect your institutions in a Territory where the people do not want it, you will get that sort of protection which the wolf gives to the lamb; you will get that sort of friendly hug that the grizzly bear gives to the infant. Appealing to an anti-slavery Congress to pass laws of protection, with a view of forcing slavery on an unwilling and hostile people! Sir, of all the mad schemes that ever could be devised by the South or by the enemies of the South, that which recognizes the right of Congress to touch the institution of slavery either in States or Territories, beyond the single case provided in the Constitution for the rendition of fugitive slaves, is the most fatal.

Mr. President, this morning, before I started for the Senate Chamber, I received a newspaper containing a letter written by one of Georgia's gifted sons upon this question of non-intervention. I allude to one of the brightest intellects that this nation has ever produced; one of the most useful public men; one whose retirement from among us created universal regret throughout the whole country. You will recognize at once that I mean Alexander H. Stephens, of Georgia. Since the adjournment of the Charleston convention, Mr. Stephens has responded to a letter from his friends, giving his counsel—the counsel of a patriot—to the party and the country in this emergency. In the letter he reviews the doctrine of non-intervention, and shows that he was originally opposed to it, but submitted to it because the South demanded it; that it had a southern origin; is a southern doctrine; was dictated to the North by the South; and he accepted it because the South required it. He shows that the same doctrine was incorporated in the Kansas-Nebraska bill, that it formed a compact of honor between northern and southern men by which we were all bound to stand. He gives a history of the Kansas-Nebraska bill identical with the one I gave to you yesterday, without knowing that he had written such a letter. Mr. Stephens has a right to speak as to the meaning of the Kansas-Nebraska bill. No man in the House of Representatives exerted more power and influence in securing its passage than Alexander H. Stephens. I ask that the whole of his letter, long as it is, be read, for it covers the entire ground, and speaks in the voice of patriotism, counseling the only course that can preserve the Democratic party and perpetuate the union of these States.

Mr. PUGH read, as follows:

CRAWFORDVILLE, GEORGIA, *May* 9, 1860.

GENTLEMEN: Your letter of the 5th instant was received last night, and I promptly respond to your call as clearly and fully as a heavy press of business engagements will permit. I shall endeavor to be no less pointed and explicit than candid. You do not, in my judgment, overestimate the importance of the questions now pressing upon the public mind, growing out of the disruption of the Charleston convention. While I was not greatly surprised at that result, considering the elements of its composition, and the general distemper of the times—still, I deeply regret it, and with you, look with intense interest to the consequences. What is done, cannot be undone or amended; that must remain irrevocable. It would, therefore, be as useless, as ungracious, to indulge in any reflections as to whose fault the rupture was owing to. Perhaps, and most probably, undue excitement and heat of passion, in pursuit of particular ends, connected with the elevation or overthrow of particular rivals for preferment, more than any strong desire, guided by cool judgment, so necessary on such occasions to advance the public good, was the real cause of the rupture. Be that as it may, however, what is now to be done, and what is the proper course to be taken? To my mind, the course seems to be clear.

A State convention should be called at an early day—and that convention should consider the whole subject calmly and dispassionately, with "the sober second thought," and determine whether to send a representation to Richmond or to Baltimore. The correct determination of this question, as I view it, will depend upon another; and that is, whether the doctrine of non-intervention by Congress with slavery in the Territories ought to be adhered to or abandoned by the South. This is a very grave and serious question, and ought not to be decided rashly or intemperately. No such small matters as the promotion of this or that individual, however worthy or unworthy, ought to enter into its consideration. It is a great subject of public policy, affecting the vast interests of the present and

the future. It may be unnecessary, and entirely useless, for me to obtrude my views upon this question in advance of the meeting of such convention, upon whom its decision may primarily devolve. I cannot, however, comply with your request without doing so to a limited extent, at least. This I shall do. In the first place, then, I assume, as an unquestioned and unquestionable fact, that *non-intervention*, as stated, has been for many years received, recognized, and acted upon, as the settled doctrine of the South. By *non-intervention*, I mean the principle that Congress shall pass no law upon the subject of slavery in the Territories, either for or against it, in any way—that they shall not interfere or act upon it at all—or, in the express words of Mr. Calhoun, the great southern leader, that Congress shall "leave the whole subject where the Constitution and the great principles of self-government place it." This has been eminently a southern doctrine. It was announced by Mr. Calhoun in his speech in the Senate on the 27th of June, 1848; and, after two years of discussion, it was adopted as the basis of the adjustment finally made in 1850. It was the demand of the South, put forth by the South, and, since its establishment, has been again and again affirmed and reaffirmed as the settled policy of the South, by party conventions and State Legislatures, in every form that a people can give authoritative expression to their will and wishes. This cannot now be a matter of dispute. It is history, as indelibly fixed upon the record as the fact that the colony of Georgia was settled under the auspices of Oglethorpe, or that the war of the American Revolution was fought in resistance to the unjust claim of power on the part of the British Parliament.

I refer to this matter of history connected with the subject under consideration, barely as a starting point—to show how we stand in relation to it. It is not a new question. It has been up before, and whether rightly or wrongly, it has been decided—decided and settled just as the South asked that it should be—not, however, without great effort and a prolonged struggle. The question now is: shall the South abandon her own position in that decision and settlement? This is the question virtually presented by the action of the seceders from the Charleston convention, and the grounds upon which they based their action; or, stated in other words, it amounts to this: whether the southern States, after all that has taken place on the subject, should now reverse their previous course, and demand congressional *intervention* for the protection of slavery in the Territories, as a condition of their remaining longer in the Union? For I take it for granted that it would be considered by all as the most mischievous folly to make the demand, unless we intend to push the issue to its ultimate and legitimate results. Shall the South, then, make this demand of Congress, and when made, in case of failure to obtain it, shall she secede from the Union, as a portion of her delegates (some under instructions, and some from their own free will) seceded from the convention, on their failure to get it granted there?

Thus stands the naked question, as I understand it, presented by the action of the seceders, in its full dimensions—its length, breadth, and depth, in all its magnitude.

It is presented, not to the Democratic party alone; it is true a convention of that party may first act on it, but it is presented to the country, to the whole people of the South, of all parties. And men of all parties should duly and timely consider it, for they may all have to take sides on it, sooner or later.

It rises in importance high above any party organization of the present day, and it may, and ought to, if need be, sweep them all from the board. My judgment is against the demand. If it were a new question, presented in its present light for the first time, my views upon it might be different from what they are. It is known to you and the country that the policy of *non-intervention*, as established at the instance of the South, was no favorite one of mine. As to my position upon it, and the doctrine now revived, when they were original and open questions, as well as my present views, I will cite you to an extract of a speech made by me in Augusta, in July last, on taking final leave of my constituents. I could not restate them more clearly or more briefly. In speaking of, and reviewing this matter, I then said:

"And, as you all know, it (*non-intervention*) came short of what I wished. It was, in my view, not the full measure of our rights—that required, in my judgment, the enactment by Congress of all needful laws for the protection of slave property in the Territories, so long as the territorial condition lasted.

"But an overwhelming majority of the South was against that position. It was said that we who maintained it, yielded the whole question by yielding the jurisdiction—and that, if we conceded the power to protect, we necessarily conceded with it the power to prohibit. This by no means followed, in my judgment. But such was the prevailing opinion. And it was not until it was well ascertained that a large majority of the South would not ask for, or even vote for, congressional protection, that those of us who were for it yielded to non-intervention, because, though it came short of our wishes, yet, it contained no sacrifice of principle, had nothing aggressive in it, and secured, for all practical purposes, what was wanted, that is, the unrestricted right of expansion over the common public domain, as inclination, convenience, or necessity may require on the part of our people." * * *

"Thus the settlement was made; thus the record stands, and by it I am still willing to stand, as it was fully up to the demands of the South, through her representatives at the time, though not up to my own; and, as by it, the right of expansion to the extent of population and capacity is amply secured."

In this you clearly perceive what I think of the proper course now to be taken on the same subject. While in the beginning of this controversy I was not favorable to the policy adopted, yet I finally yielded my assent. It was yielded to the South—to the prevailing sentiment of my own section. But it never would have been yielded if I had seen that any of our important rights, or any principle essential to our safety or security, could, by possibility, result from its operation. Nor would I now be willing to abide by it, if I saw in its practical workings any serious injury to the South likely to arise from it. All parties in the South, after the settlement was made, gave it the sanction of their acquiesence, if not cordial approval. What, then, has occurred since to cause us to change our position in relation to it? Is it that those of the North who stood by us in the struggle from 1848 to 1850, did afterwards stand nobly by us in 1854, in taking off the old congressional restriction of 1820, so as to have complete *non-intervention* throughout the length and breadth of the common public domain? Was this heroism on their part, in adhering to principle, at the hazard and peril of their political lives and fortunes, the cause of present complaint? This cannot be: for never was an act of Congress so generally and so unanimously hailed with delight at the South as this one was—I mean the Kansas-Nebraska act of 1854. It was not only indorsed by all parties in Georgia, but every one who did not agree to its just provisions, upon the subject of slavery, was declared to be unfit to hold party associations with any party not hostile to the interests of the South. What, then, is the cause of complaint now? Wherein has this policy worked any injury to the South, or wherein is it likely to work any?

The only cause of complaint I have heard is, that *non-intervention*, as established in 1850, and carried out in 1854, is not understood at the North as it is at the South; that, while we hold that, in leaving "the whole subject where the Constitution and the great principles of self-government place it," the common Territories are to remain open for settlement by southern people, with their slaves, until otherwise provided by a State constitution. The friends and supporters of the same doctrine at the North maintain that, under it, the people of an organized Territory can protect or exclude slave property before the formation of a State constitution. This opinion or construction of theirs is what is commonly dubbed "squatter sovereignty." Upon this point of difference in construction of what are "the great principles of self-government," under the Constitution of the United States, a great deal has been said and written. We have heard it in the social circle, in the forum, on the hustings, and in the halls of legislation. The newspapers have literally groaned with dissertations on it. Pamphlets have been published for and against the respective sides. Congress has spent months in its discussion, and may spend as many years as they have months, without arriving at any more definite or satisfactory conclusion in relation to it than Milton's perplexed spirits did upon the abstruse questions on which they held such high and prolonged debate when they reasoned—

> "Of Providence, foreknowledge, will, and fate—
> Fixed fate, free will, foreknowledge, absolute—
> And found no end, in wandering mazes lost."

It is not my purpose now to enter the list of these disputants. My own opinions upon the subject are known; and it is equally known that this difference of opinion, or construction, is no new thing in the history of this subject. Those who hold the doctrine that the people of the Terri-

tories, according to the great principles of self-government, under the Constitution of the United States, can exclude slavery by territorial law, and regulate slave property as all other property, held the same views they now do, when we agreed with them to stand on those terms. This fact is also historical. The South held that, under the Constitution, the Territorial Legislatures could not exclude slavery—that this required an act of sovereignty to do. Some gentlemen of the North held, as they now do, that the Territorial Legislatures could control slave property as absolutely as they could any other kind of property, and by a system of laws could virtually exclude slavery from amongst them, or prevent its introduction, if they chose.

That point of difference it was agreed, by both sides, to leave to the courts to settle. There was no cheat, or swindle, or fraud, or double-dealing in it. It was a fair, honorable, and constitutional adjustment of the difference. No assertion or declaration by Congress, one way or the other, could have affected the question in the least degree: for, if the people, according to "the great principles of self-government" under the Constitution, have the right contended for by those who espouse that side of the argument, then Congress could not and cannot deprive them of it. And, if Congress did not have, or does not have, the power to exclude slavery from a Territory, as those on our side contended, and still contend they have not, then they could not and did not confer it upon the Territorial Legislatures. We of the South held that Congress had not the power to exclude, and could not delegate a power they did not possess—also, that the people had not the power to exclude under the Constitution, and therefore the mutual agreement was to take the subject out of Congress, and leave the question of the power of the people where the Constitution had placed it—with the courts. This is the whole of it. The question in dispute is a judicial one, and no act of Congress, nor any resolution of any party convention can in any way affect it, unless we first abandon the position of non-intervention by Congress.

But it seems exceedingly strange to me, that the people of the South should, at this late day, begin to find fault with this northern construction, as it is termed—especially since the decision of the Supreme Court in the case of *Dred Scott*. In this connection I may be permitted to say that I have read with deep interest the debates of the Charleston convention, and particularly the able, logical, and eloquent speech of Hon. William L. Yancey, of Alabama. It was, decidedly, the strongest argument I have seen on his side of the question. But its greatest power was shown in its complete answer to itself. Never did a man with greater clearness demonstrate that "squatter sovereignty," the bugbear of the day, is not in the Kansas bill, all that has been said to the contrary notwithstanding. This he put beyond the power of refutation. But he stopped not there; he went on, and by reference to the decision of the Supreme Court alluded to, he showed conclusively, in a most pointed and thrilling climax, that this most frightful doctrine could not, by possibility, be in it, or in any other territorial bill—that it is a constitutional impossibility. With the same master-hand he showed that the doctrine of "squatter sovereignty" is not in the Cincinnati platform; then, why should we of the South now complain of *non-intervention*, or ask a change of platform?

What else have we to do but to insist upon our allies to stand to their agreement? Would it not have been much more natural to look for flinching on their side than on ours? Why should we desire or want any other platform of principles than that adopted at Cincinnati? If those who stood with us on it, in the contest of 1856, are willing still to stand on it, why should we not be equally willing? For my life I cannot see, unless we are determined to have a quarrel with the North anyhow on general account. If so, in behalf of common sense, let us put it upon more tenable grounds! These are abundant. For our own character's sake, let us make it upon the aggressive acts of our enemies, rather than any supposed shortcomings of our friends, who have stood by us so steadfastly in so many constitutional struggles. In the name of patriotism and honor, let us not make it upon a point which may so directly subject us to the charge of breach of plighted faith. Whatever may befall us, let us ever be found, by friend or foe, as good as our word. These are my views, frankly and earnestly given.

The great question then is, shall we stand by our principles, or shall we, cutting loose from our moorings, where we have been safely anchored so many years, launch out again into unknown seas, upon new and perilous adventures, under the guide and pilotage of those who prove themselves to have no more fixedness of purpose, or stability as to objects or policy, than the shifting winds by which we shall be driven? Let this question be decided by the convention, and decided with that wisdom, coolness, and forecast which become statesmen and patriots. As for myself, I can say, whatever may be the course of future events, my judgment in this crisis is, that we should stand by our principles "through woe" as well as "through weal," and maintain them in good faith, now and always, if need be, until they, we, and the Republic perish together in a common ruin. I see no injury that can possibly arise to us from them—not even if the constitutional impossibility of their containing "squatter sovereignty" did not exist, as has been conclusively demonstrated. For, if it did exist in them, and were all that its most ardent advocates claim for it, no serious practical danger to us could result from it.

Even according to their doctrine, we have the unrestricted right of expansion to the extent of population. They hold that slavery can and will go, under its operation, wherever the people want it. Squatters carried it to Tennessee, Kentucky, Missouri, Alabama, Mississippi, and Arkansas, without any law to protect it, and to Texas against a law prohibiting it, and they will carry it to all countries where climate, soil, production, and population will allow. These are the natural laws that will regulate it under *non-interrention*, according to their construction; and no act of Congress can carry it into any Territory against these laws, any more than it could make the rivers run to the mountains, instead of the sea. If we have not enough of the right sort of population to compete longer with the North in the colonization of new Territories and States, this deficiency can never be supplied by any such act of Congress as that now asked for. The attempt would be as vain as that of Xerxes to control the waters of the Hellespont by whipping them in his rage.

The times, as you intimate, do indeed portend evil. But I have no fears for the institution of slavery, either in the Union or out of it, if our people are but true to themselves; true, stable, and loyal to fixed principles and settled policy; and if they are not thus true, I have little hope of anything good, whether the present Union lasts or a new one be formed. There is, in my judgment, nothing to fear from the "irrepressible conflict," of which we hear so much. Slavery rests upon great truths, which can never be successfully assailed by reason or argument. It has grown stronger in the minds of men the more it has been discussed, and it will still grow stronger as the discussion proceeds, and time rolls on. Truth is omnipotent, and must prevail. We have only to maintain the truth with firmness, and wield it aright. Our system rests upon an impregnable basis, that can and will defy all assaults from without. My greatest apprehension is from causes within—there lies the greatest danger. We have grown luxuriant in the exhuberances of our well-being and unparalleled prosperity.

There is a tendency everywhere, not only at the North, but at the South, to strife, dissension, disorder, and anarchy. It is against this tendency that the sober-minded and reflecting men everywhere should now be called upon to guard.

My opinion, then, is, that delegates ought to be sent to the adjourned convention at Baltimore. The demand made at Charleston by the seceders ought not to be insisted upon. Harmony being restored on this point, a nomination can doubtless be made of some man whom the party everywhere can support, with the same zeal and the same ardor with which they entered and waged the contest in 1856, when the same principles were involved.

If, in this, there be a failure, let the responsibility not rest upon us. Let our hands be clear of all blame. Let there be no cause for casting censure at our door. If, in the end, the great national Democratic party—the strong ligament, which has so long bound and held the Union together, shaped its policy and controlled its destinies, and to which we have so often looked with a hope that seldom failed, as the only party North on which to rely in the most trying hours when constitutional rights were in peril, goes down—let it not be said to us, in the midst of the disasters, that may ensue, "you did it!" In any and every event, let not the reproach of Punic faith rest upon our name. If everything else has to go down, let our untarnished honor, at least, survive the wreck.

ALEXANDER H. STEPHENS.

Mr. DOUGLAS. Mr. Stephens has given a true, veritable history of the compromise measures of 1850 and of the Kansas-Nebraska bill, as understood by the supporters of the measures when they

were passed. He has stated fairly and truly the points of difference between us, which points were to be left to the courts to decide; and he has said, what I think he was bound to say as a patriot and a Democrat, that the Cincinnati platform is all that the South ought to ask or has a right to ask, or that her interests require in this emergency. On that platform the party can remain a unit, and present an invincible and irresistible front to the Republican or Abolition phalanx at the North. So certain as you abandon non-intervention and substitute intervention, just so certain you yield a power into their hands that will sweep the Democratic party from the face of the globe.

Sir, I believe that the safety, the peace, the highest interests of this country require the preservation intact of the Democratic party on its old creed and its old platform. Whenever you depart from that platform, which was adopted unanimously, you never will get unanimity in the formation of another. The only objection I have heard urged against that platform is that it is susceptible of two constructions, when, in point of fact, there are no two constructions—there can be none on any one of the political issues contained in it. The only difference of opinion arising out of that platform is on the judicial question, about which we agreed to differ—which we never did decide; because, under the Constitution, no tribunal on earth but the Supreme Court could decide it. We differ only as to what the decision of the court will be; not as to whether we will obey it when made. How can you determine that question by a platform? It has been suggested that this difficulty was all to be reconciled by the adoption of a resolution which I find in the papers under the title of the Tennessee platform. Will my friend read it?

Mr. PUGH read, as follows:

"*Resolved*, That all citizens of the United States have an equal right to settle with their property in the Territories, and that under the decisions of the Supreme Court, which we recognize as an exposition of the Constitution, neither their rights of person or property can be destroyed or impaired by congressional or territorial legislation."

Mr. DOUGLAS. We have had predictions that the party was to be reunited by the adoption of that resolution. The only objection that I have to it is that it is liable to two constructions, and certainly and inevitably will receive two, directly the opposite of each other, and each will be maintained with equal pertinacity. The resolution contains, in my opinion, two truisms, and, fairly considered, no man can question them. They are: first, that every citizen of the United States has an equal right in the Territories; that whatever right the citizen of one State has, may be enjoyed by the citizens of all the States; that whatever property the citizen of one State may carry there, the citizens of all the States may carry; and on whatever terms the citizens of one State can hold it and have it protected, the citizens of all States can hold it and have it protected, without deciding what the right is, which still remains for decision. The second proposition is, that a right of person or property secured by the Constitution cannot be taken away either by act of Congress or of the Territorial Legislature. Who ever dreamed that either Congress or a Territorial Legislature, or any other legislative body on earth, could destroy or impair any right guaranteed or secured by the Constitution? No man that I know of. This resolution leaves the same point open that remains open for the courts under the Cincinnati platform, and under the Kansas-Nebraska bill. My objection is that it bears upon its face the evidence that it is to be construed in two opposite ways in the different sections of the Union. I want no double dealing or double construction. I am willing to stand on the Cincinnati platform, as you agreed to it, and as it was reënacted at Charleston. I will give it the same construction I have always given to it; you may give it yours. We differ only on a law point; let the court decide that, and I only ask that you will bow to the decision of the court with the same submission that I shall, and carry it out with the same good faith. I want no new issue. I want no new test. I will make none on you, and I will permit you to make none on me.

We are told that the party must be preserved. I agree that the best interests of the country require that it should be preserved in its integrity. How can that be done, except by abiding by its decisions? The party has pronounced its authoritative voice on the very points at issue between you and me. The party rejected your caucus platform by twenty-seven majority on a fair vote. The party affirmed the Cincinnati platform almost unanimously. Hence it becomes the duty of every Democrat, every man who expects to remain a Democrat, to acquiesce in the decision of the party, and support its nomination when it shall be made. In no other way can the party be united or preserved. Can you preserve the party by allowing a minority to overrule and dictate to the majority? Is the party to be preserved by abandoning the fundamental articles of its creed, and adopting intervention in lieu of non intervention? Shall the majority surrender to the minority? Will that restore harmony? Will that produce fraternity? Suppose that the majority should surrender to you, the minority—should justify the seceders and bolters—will that reunite us? You tell us that if we do this, you will grant no quarter on the point in dispute. The test is to be kept up by the minority against the majority; by bolters against the regular organization; by seceders against those whose political fidelity would not permit them to bolt; and the regular organization is required to surrender at discretion to the seceders, with notice served, that no "quarter" is to be granted. That is the conciliation that is tendered! That is the olive branch that is extended to us! You will permit us to vote for your candidate, if we will only allow a minority to nominate him! You will permit us to vote for a candidate on a platform that the minority dictates and the majority has rejected!

Suppose the minority should get their platform and candidate, and they should go before the country appealing to the Democratic masses to rally in their majesty around the Democratic organization, and support its nominations—a minority candidate forced on the majority, asking our votes, with notice, "if you vote for me I will grant no quarter, I will put you to the sword;

there is not a man of you that is fit to be chairman of a committee, or a member of a Cabinet, or a collector of a port, a postmaster, a light-house-keeper!" These are the terms of conciliation extended by a minority to the regular organization of the party. Grant no quarter! Big talk for seceders, after they have been overruled.

What man would desire your nomination on such terms? Who would be mean enough to ask and expect the support of men that he had marked as victims of vengeance so soon as the knife was put in his hands by them? Who would degrade himself so low as to ask or accept votes on terms so disreputable?

On the contrary, sir, we, the Democratic party, speaking through its regular organization, and by authority of the party, say to you, erring men as you are, that we will grant quarter; we submit to no test, and make none; we are willing to fight the battle now on the same principles and the same terms that we have fought it on since 1848; on the same platform, and with the same fraternal feeling. If you differ from us, we recognize your right to differ without impairing your political standing, so long as you remain in the regular organization, and support the nominees. I care not whether you agree or differ with me on the points of law that have divided us. If you should happen to be right, and I wrong, it would not prove that you were a better Democrat than I; but that you were a better lawyer than I am, so far as that one branch of law is concerned. I should not have much pride of opinion on the point of law, but for the fact that you have got in the habit of calling me "Judge," (laughter;) having among my youthful indiscretions, accepted that office and acquired the title; and I do claim that, with that title, I have a right to think as I please on a point of law until the court decides that I am wrong.

Mr. President, I owe an apology to the Senate for detaining them so long. I present my profound acknowledgments for the courtesy and kindness that have been extended to me. I would not have claimed so much of your time but for the fact that I believe that the principle involved in this discussion involves the fate of the American Union. Whenever you incorporate intervention by Congress into the Democratic creed, as it has become the cardinal principle of the Republican creed, you will make two sectional parties, hostile to each other, divided by the line that separates the free from the slaveholding States, and present a conflict that will be irrepressible, and will never cease until the one shall subdue the other, or they shall agree to divide, in order that they may live in peace. God grant that there shall never be another sectional party in the United States. Why cannot we live together in peace on the terms that have bound and held us together so long? Why cannot we agree on this great principle of non-intervention by the Federal Government with the local and domestic affairs of the Territories, excluding slavery and all other irritating questions, and leaving the people to govern themselves, so far as the Constitution of the United States imposes no limitation upon their authority. Upon that principle there can be peace. Upon that principle you can have slavery in the South as long as you want it, and abolish it whenever you are tired of it. On that principle we can have it or not, as our interests, our prosperity, our own sense of what is due to ourselves, shall prescribe. On that principle, you on the Pacific coast can shape your own institutions so that they will be adapted to your own people. On that principle, there can be peace and harmony and fraternity between the North and the South, the East and the West, the Pacific and the Atlantic. Why cannot we now reaffirm that principle as we did in 1852? Then, the Whig party adopted it as a cardinal article in their creed, and so did the Democracy. Let your Whigs, your Democrats—all conservative men who will not be abolitionized or sectionalized—rally under the good old banner of non-intervention, so that the Constitution may be maintained inviolate, and the Union last forever. Intervention, North or South, means disunion; non-intervention promises peace, fraternity, and perpetuity to the Union, and to all our cherished institutions.

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